

CALIFORNIA.

Horace E. Allatt to be postmaster at Imperial, Cal., in place of Horace E. Allatt. Incumbent's commission expired January 9, 1909.

CONNECTICUT.

Samuel H. Kellogg to be postmaster at Colchester, Conn., in place of Frederick A. Smith. Incumbent's commission expired January 30, 1909.

GEORGIA.

Siegfried Schwarzwelss to be postmaster at Waynesboro, Ga., in place of Thomas Quinney. Incumbent's commission expired January 30, 1909.

INDIANA.

Solomon C. Dickey to be postmaster at Winona Lake, Ind., in place of Solomon C. Dickey. Incumbent's commission expired December 12, 1908.

IOWA.

J. M. Crosson to be postmaster at Eddyville, Iowa, in place of William W. De Long, resigned.

LOUISIANA.

Lavinia Insley to be postmaster at Delhi, La., in place of Lavinia Insley. Incumbent's commission expires February 23, 1909.

Charles Moritz to be postmaster at Vidalia, La. Office became presidential January 1, 1909.

Jacob Plonsky to be postmaster at Washington, La., in place of Jacob Plonsky. Incumbent's commission expired January 31, 1909.

MINNESOTA.

J. B. Pallansch to be postmaster at Albany, Minn. Office became Presidential January 1, 1908.

MISSISSIPPI.

Jennie D. Ligon to be postmaster at Gloster, Miss., in place of Jennie D. Ligon. Incumbent's commission expired February 1, 1909.

MISSOURI.

Alansan H. Dent to be postmaster at Osceola, Mo., in place of Alansan H. Dent. Incumbent's commission expired January 20, 1909.

MONTANA.

George W. Crane to be postmaster at Fort Benton, Mont., in place of George W. Crane. Incumbent's commission expired February 3, 1909.

NEBRASKA.

Albert W. Searl to be postmaster at Elwood, Nebr. Office became presidential January 1, 1909.

NEW MEXICO.

George M. Chandler to be postmaster at Cimarron, N. Mex. Office became presidential January 1, 1909.

NORTH DAKOTA.

Charles Lano to be postmaster at Mohall, N. Dak., in place of Charles Lano. Incumbent's commission expired February 3, 1909.

OKLAHOMA.

William N. Walker to be postmaster at Stillwater, Okla., in place of Charles F. Neerman. Incumbent's commission expired December 20, 1906.

PENNSYLVANIA.

Edward M. Frye to be postmaster at Monessen, Pa., in place of Edward M. Frye. Incumbent's commission expired February 3, 1909.

David D. Park to be postmaster at Lapark, Pa., in place of David D. Park. Incumbent's commission expired April 19, 1908.

William C. Smith to be postmaster at Dunbar, Pa., in place of William C. Smith. Incumbent's commission expires March 1, 1909.

Walter L. Stevenson to be postmaster at West Newton, Pa., in place of Walter L. Stevenson. Incumbent's commission expired February 3, 1909.

SOUTH DAKOTA.

Lenore Green to be postmaster at Kadoka, S. Dak. Office became presidential January 1, 1909.

Philip Schamber to be postmaster at Eureka, S. Dak., in place of Philip Schamber. Incumbent's commission expires March 3, 1909.

TENNESSEE.

M. G. Cox to be postmaster at Greenfield, Tenn., in place of Stephen Farmer. Incumbent's commission expired June 27, 1906.

Charles Shelley Wortham to be postmaster at Tullahoma, Tenn., in place of Abe L. Davidson, resigned.

TEXAS.

Louise A. Ackerman to be postmaster at Mabank, Tex. Office became presidential January 1, 1909.

E. P. Flanagan to be postmaster at Henderson, Tex., in place of E. P. Flanagan. Incumbent's commission expired November 17, 1907.

John N. Johnson to be postmaster at Rockwall, Tex., in place of John N. Johnson. Incumbent's commission expires February 13, 1909.

Alva P. Langston to be postmaster at Blooming Grove, Tex. Office became presidential January 1, 1909.

Andrew G. Mitchell to be postmaster at Higgins, Tex. Office became presidential January 1, 1908.

William Reese to be postmaster at Floresville, Tex., in place of William Reese. Incumbent's commission expired March 2, 1908.

William L. Rogers to be postmaster at Conroe, Tex., in place of William L. Rogers. Incumbent's commission expires February 9, 1909.

William S. Strain to be postmaster at Lancaster, Tex., in place of William S. Strain. Incumbent's commission expires February 23, 1909.

VIRGINIA.

F. W. Rose to be postmaster at Franklin, Va., in place of Ernest A. de Bordenave. Incumbent's commission expires March 1, 1909.

WASHINGTON.

James R. O'Ferrell to be postmaster at Orting, Wash. Office became presidential January 1, 1909.

WEST VIRGINIA.

William W. Hamilton to be postmaster at Bramwell, W. Va., in place of William W. Hamilton. Incumbent's commission expired January 30, 1909.

Zephaniah J. Martin to be postmaster at Amos, W. Va. Office became presidential January 1, 1909.

Sarah K. Rush to be postmaster at Newell, W. Va. Office became presidential January 1, 1909.

WISCONSIN.

Charles F. Fine to be postmaster at Hillsboro, Wis., in place of Charles F. Fine. Incumbent's commission expired January 9, 1909.

Frank O. Perry to be postmaster at Shawano, Wis., in place of David B. Gorham, deceased.

Frank J. Wiley to be postmaster at Hancock, Wis. Office became presidential January 1, 1909.

CONFIRMATION.

Executive nomination confirmed by the Senate February 5, 1909.

RECEIVER OF PUBLIC MONIES.

Douglas W. March, of Pierre, S. Dak., to be receiver of public moneys at Pierre, S. Dak.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 5, 1909.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

H. C. LINN AND SAMUEL POWELL.

The SPEAKER. Under the special order for to-day the Clerk will read the first bill on the Private Calendar.

The Clerk read as follows:

A bill (H. R. 14000) for the relief of H. C. Linn and Samuel Powell.

Mr. MANN. Mr. Speaker, in order to save time, I shall object to that bill.

The SPEAKER. The gentleman from Illinois objects to the consideration of the bill. The Clerk will call the next bill.

BOARD OF EDUCATION, HARPERS FERRY SCHOOL DISTRICT, WEST VIRGINIA.

The Clerk read as follows:

A bill (H. R. 8959) for the relief of the board of education of the Harpers Ferry school district of Jefferson County, W. Va.

The Clerk read the bill at length.

The SPEAKER. Is there objection?

Mr. MACON. I reserve the right to object.

Mr. BARTLETT of Georgia. Mr. Speaker, I would like to have the attention of my friend. If certain kind of bills in certain localities are to be objected to and other bills for other localities not objected to, we would like to know it.

The SPEAKER. Is there objection?
Mr. MACON. I reserve the right to object.
Mr. BARTLETT of Georgia. I object.

STATE OF PENNSYLVANIA.

The SPEAKER. The Clerk will call the next bill.

The Clerk read as follows:

A bill (H. R. 13476) for the relief of the State of Pennsylvania.

The Clerk read the bill at length.

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. WANGER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WANGER. Is it not in order, notwithstanding the objection made, to move that the House now go into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13476? The House was led to believe that that was the case at the time this order was adopted.

The SPEAKER. Under the special order, the Chair believes that the motion to go into Committee of the Whole House for the purpose of considering a particular bill would not be in order, but a motion to go into the Committee of the Whole House for the consideration of bills on the Private Calendar in order this day under the rule, without regard to the special order, it seems to the Chair would be in order.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Has this bill any business on the Private Calendar?

The SPEAKER. The Chair has not examined it to see. [After examination.] This being for the relief of a State, under the practice, in the opinion of the Chair, it should receive its consideration in the Committee of the Whole House on the state of the Union, and on suggestion, the attention of the Chair being called to it, under the practice the Chair will order the transfer from the Private Calendar to the calendar of the Whole House on the state of the Union.

Mr. MACON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MACON. Does the Chair hold that the right to object can not be reserved, that objection must be immediately made when the bill is presented to the House?

The SPEAKER. The Chair does not so hold. Of course any debate when a bill is called would be by unanimous consent, and under the practice the Chair, as one Member of the House, would not be called upon to object to something in the nature of an interchange of suggestions between Members. The whole proceeding, where objection is made, is by unanimous consent. The same practice that obtains when bills are submitted to the House for unanimous consent under this order, in the opinion of the Chair, ought to obtain, but so far there has been absolute objection.

Mr. SHERMAN. Mr. Speaker, if the Speaker will permit me just a moment, the order provides that it shall be in order in the House as in the Committee of the Whole House to consider all bills on the Private Calendar to the consideration of which no objection is made. Now, must not objection be made to consideration immediately, and as objection is not made then, consideration having begun, objection could not after consideration had been begun be made to further consideration?

The SPEAKER. Of course, an absolute objection would be fatal to the consideration of the bill; but under the practice of the House, in the opinion of the Chair, by unanimous consent, the Chair being a Member of the House, and having the right to object as a Member, he could object, but by unanimous consent there could be a proceeding in the nature of debate to see whether or not a suggestion might not remove the objection if the gentleman withholds it temporarily.

Mr. SHERMAN. Oh, that is all right; but if consideration is really entered upon, then I think one can not object.

The SPEAKER. The Clerk will report the next bill.

MATE WILLIAM JENNEY.

The Clerk reported the bill (H. R. 17059) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

Mr. ELLIS of Oregon. Mr. Speaker, I ask unanimous consent that this bill may lie on the table. A recent ruling of the department has given all that can be given under the bill, and hence there is no necessity for its passage.

The SPEAKER. Is there objection to the request of the gentleman from Oregon that the bill do lie on the table? [After

a pause.] The Chair hears none, and it is so ordered. The Clerk will report the next bill.

JOHN T. BROWN.

The Clerk reported the bill (H. R. 1416) for the relief of John T. Brown.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MACON. Mr. Speaker, I object.

The SPEAKER. The gentleman from Arkansas objects.

SAMUEL SCHIFFER.

The next business was the bill (H. R. 3351) for the relief of the legal representatives of Samuel Schiffer.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. MADDEN. I object.

Mr. HACKNEY. I object.

JOHN H. HAMITER.

The next business was the bill (S. 4024) for the relief of John H. Hamiter.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John H. Hamiter, of Lafayette County, Ark., the sum of \$3,590.47, the proceeds of the sale of 53 bales of cotton sold by the Government in 1865 and placed in the Treasury of the United States.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. WALLACE. Mr. Speaker, I suggest the death of the beneficiary and offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting in line 4, after the word "to," the following: "Allen H. Hamiter, administrator of the estate of;" and after the name "John H. Hamiter," in line 1, the word "deceased," so as to read: "Pay to Allen H. Hamiter, administrator of the estate of John H. Hamiter, deceased, of Lafayette County."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, read the third time, and passed.

The SPEAKER. Without objection, the title will be amended. There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 9006. An act to amend an act authorizing the Washington, Spa Springs and Gretna Railroad Company, of Maryland, to enter the District of Columbia, approved February 18, 1907.

S. 8588. An act to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909;

S. 7374. An act to provide for the purchase of a site and the erection of a public building thereon at Astoria, in the State of Oregon; and

S. 8555. An act to relinquish the interest of the United States in and to certain land in Dade County, Fla., to John M. Bryan, jr.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 6252. An act to promote the administration of justice in the navy.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 27051. An act authorizing the Secretary of War to furnish one condemned brass or bronze Napoleon gun, carriage, and cannon balls to the State of Iowa.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4535) entitled "An act to amend section 714 of the Revised Statutes of the United States, relating to the resignation of judges of the courts of the United States."

The message also announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 84.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made and an estimate submitted of the cost of constructing a ship canal, suitable to meet the demands of commerce, from the most available southerly point of Humboldt Bay to Eel River, in the State of California.

Senate concurrent resolution 80.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of the harbor at Lexington, Sanilac County, Mich., with a view to deepening the same to a depth of 20 feet, and to submit a plan and estimate for such improvement.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7872) to promote the administration of justice in the navy.

SENATE RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following concurrent resolutions were taken from the Speaker's table and referred to their appropriate committees as indicated below:

Senate concurrent resolution 80.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of the harbor at Lexington, Sanilac County, Mich., with a view to deepening the same to a depth of 20 feet, and to submit a plan and estimate for such improvement—to the Committee on Rivers and Harbors.

Senate concurrent resolution 84.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made and an estimate submitted of the cost of constructing a ship canal, suitable to meet the demands of commerce, from the most available southerly point of Humboldt Bay to Eel River, in the State of California—to the Committee on Rivers and Harbors.

RICHMOND LIGHT INFANTRY BLUES.

The next business on the Private Calendar was the bill (H. R. 8661) for the relief of the Richmond Light Infantry Blues, of Virginia.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to the Richmond Light Infantry Blues, of the State of Virginia, out of any money in the Treasury not otherwise appropriated, the value of any clothing or other quartermaster supplies belonging to it which may have been taken by the members thereof into the service of the United States in 1898, for service during the war with Spain, worn out, or lost, or destroyed therein through no fault of their own, not to exceed the sum of \$3,300.

The committee amendment was read, as follows:

Strike out, commencing in line 6, after the word "appropriated," the following:

"The value of any clothing or other quartermaster supplies belonging to it which may have been taken by the members thereof into the service of the United States in 1898, for service during the war with Spain, worn out, or lost, or destroyed therein through no fault of their own, not to exceed the sum of \$3,300"

and insert in lieu thereof "the sum of \$1,788.48 in full settlement for their claim for clothing and other quartermaster's supplies which were taken by the members thereof into the service of the United States in 1898, during the war with Spain, and worn out, or lost, or destroyed therein through no fault of their own."

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

P. H. McDONOUGH.

The next business on the Private Calendar was the bill (H. R. 13928) for the relief of P. H. McDonough, of Bardstown, Ky.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Patrick Henry McDonough, of Bardstown, Ky., out of any money in the Treasury not otherwise appropriated, the sum of \$250, in full payment of the claim of said McDonough against the United States for horses taken from him by the military forces of the United States and converted to their own use during the war of the rebellion.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, reserving the right to object, I would like to make an inquiry.

Mr. CLAYTON. Mr. Speaker, I will answer the gentleman. I wrote the report and I will be pleased to answer any questions he may ask.

Mr. MACON. My inquiry is this: I notice all the claims with which I have anything to do connected with property taken by federal soldiers during the civil war have been forced to go on what is known as the "omnibus" war-claims bill. This seems to have been a loss of horses which occurred during the civil war. Now, I would like for the gentleman to tell me the difference or distinction between this class of losses and the class that we put on the omnibus claims bill.

Mr. CLAYTON. The complaint that the gentleman makes is, I think, well founded. I might say, to the gentleman's satisfaction, that I have met with that same fate. This House has passed bills for the payment of claims, some of them similar to this claim. Those claims have in a number of instances gone

to the Senate, and I know that I have industriously tried in another place to get action on another matter similar to the case the gentleman mentions, but have been unsuccessful. I know, furthermore, that bills similar to this have gone into another bill sometimes called the "omnibus" bill, and they have not passed, as the gentleman says; and I am hoping, I might say reverently, Mr. Speaker, on account of the multitude of letters which I get complaining of nonaction elsewhere on meritorious claims—I am not only hoping but I am praying for the passage of an omnibus bill at some early day. But, Mr. Speaker, the fact that the gentleman can lodge a just complaint against nonaction on another claim, I submit to his candor, his judgment, and to his sense of equity and fairness, is no reason why this claim should be defeated. [Applause.]

Mr. MACON. One question just there. Does the gentleman not think that the passage of individual bills of this character will hinder the progress of the omnibus claims bill?

Mr. CLAYTON. I do not, frankly I say to the gentleman—in my opinion, in no way. And I will say further this is not in any omnibus bill, so far as I know. I am as greatly interested in the passage of the omnibus bill as the gentleman is and my people are, and I hope that it will be passed, but whether it passes or not, we certainly ought to pass this meritorious measure.

Mr. MACON. My policy is to treat all alike, and of course I will not object if it does not prejudice the omnibus bill.

Mr. CLAYTON. And a manifestly just and correct policy.

Mr. MACON. Then I withdraw the objection.

Mr. REEDER. Mr. Speaker, reserving the right to object to ask a question, I want to ask if this bill has the unanimous approval of the committee?

Mr. CLAYTON. It has the unanimous report from the committee, and it is for the purchase money of two good Kentucky horses at \$125 each, and their pedigrees were worth that much.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, this bill is a very good illustration of the necessity at times of giving careful consideration to a proposition. I did not object to the consideration of the bill. It only provides for the payment of \$250 to a man for two horses taken in the war of the rebellion.

But it is put upon the ground that the man could not be accused of disloyalty because he was weak-minded. The man probably was weak-minded. Then the committee produced two affidavits, one of the man, that his horses were worth \$250, and one of his committee, who had charge of him for fifty years because the man was weak-minded, that the horses were only worth \$200. And yet the committee, finding that the man could not be accused of disloyalty because he was an idiot, accept the judgment of the idiot as against the judgment of his committee. [Laughter.]

Mr. CLAYTON. Now, Mr. Speaker, the last statement of the gentleman made us all laugh. It was in pleasantry, and the gentleman sometimes indulges in pleasantry to the delight of the House, and sometimes in a whole lot of good, solid, serious argument. I want to say to the gentleman that he will not find any such statement as that which he has made as being the conclusion of the committee that reported this bill. One of the affidavits in the case made that statement, but the War Claims Committee nowhere said that. Hence I challenge the statement of the gentleman that the committee had reached any such conclusion in the report.

Mr. MANN. Mr. Speaker, it may be true, although it is not disclosed in the report, that the distinguished committee themselves were acquainted with the value of these horses taken more than forty years ago. It may be true that they were on the ground, but they do not disclose it in the report. The report shows that there are two affidavits as to the value of these horses, one made by the beneficiary of the bill, who is admitted to be a weak-minded person, and the other made by his committee, having charge of him.

Mr. OLLIE M. JAMES. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. OLLIE M. JAMES. I would suggest to the gentleman from Illinois that the committee perhaps went upon the idea that even a weak-minded man ought to know that two Kentucky horses were worth \$250. [Laughter.]

Mr. CLAYTON. And the gentleman from Illinois [Mr. MANN] ought to know that.

Mr. MANN. It so happens that both the gentlemen are Kentuckians—the feeble-minded man and his committee. The feeble-minded man says that the horses were reasonably of the market value of \$125 each. Then the man in charge of the feeble-minded man, after giving the reason that the man could not be disloyal because he was weak-minded, says that the horses were each of the reasonable market value of \$100. Now, Mr.

Speaker, if it were putting the judgment of a Kentuckian against the judgment of a man outside of Kentucky on the value of the horses, I should accept the judgment of the Kentuckian; but both of these gentlemen are Kentuckians. Both are well acquainted with the value of horses, and the committee assumes that a weak-minded Kentuckian knows more about the value of horses than a man of brains in Kentucky. [Laughter.]

Mr. CLAYTON. Mr. Speaker, I desire to make one remark. It would be perfectly proper, if the gentleman from Illinois [Mr. MANN] saw fit so to do, for him to offer an amendment to reduce this amount to \$200. But he has not offered any such amendment, so that the House is confronted with this proposition: Shall you pay an admittedly just and proper claim? That the claim is just and proper and ought to be paid the gentleman from Illinois [Mr. MANN] himself does not deny.

Mr. MANN. Of course I did not object to the consideration of the bill.

Mr. CLAYTON. As I understand, the gentleman finds no fault—

Mr. MANN. I have had \$50 worth of fun out of it myself. [Laughter.]

Mr. CLAYTON. Then, Mr. Speaker, I have had \$50 worth of satisfaction in having the gentleman from that great timbered section of our country, namely, Chicago, as our friend from California said yesterday—I have had a whole lot of satisfaction in knowing that he knows absolutely nothing of the value of Kentucky horses.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HARPERS FERRY SCHOOL DISTRICT, WEST VIRGINIA.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to withdraw the objection I made to the second bill on the calendar, and ask unanimous consent that we may return to the same.

The SPEAKER. The gentleman from Georgia asks unanimous consent to return to the second bill on the calendar, and desires to withdraw his objection to the consideration of the bill. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 8959) for the relief of the board of education of the Harpers Ferry school district of Jefferson County, W. Va.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the board of education of the Harpers Ferry school district, the sum of \$3,500, or so much thereof as may be found due and unpaid the said board of education for school buildings used and material taken therefrom by the United States Army during the war of 1861 to 1865 for its use and benefit.

Also the following committee amendment:

In lines 6 and 7 strike out "\$3,500" and insert in lieu thereof "\$2,121.72."

The SPEAKER. Is there objection?

Mr. MACON. Reserving the right to object, Mr. Speaker, I want to offer the same observation that I did a moment ago about this bill. This seems to be a war-claim bill, and for a schoolhouse that was used by the federal forces in the State of West Virginia.

We have churches in our State that were used by the Union forces during the war, and we have been trying very hard for a good many years to secure proper pay therefor, and we are compelled to put all those claims upon the omnibus war-claims bill. Now, I would like to ask the gentleman, the chairman of the Committee on Claims, why there is this difference in the action taken concerning school property and church property?

Mr. MILLER. I will state to the gentleman that this is not a bill coming from the Committee on Claims, but from the Committee on War Claims.

Mr. MACON. I would like to ask the chairman of the Committee on War Claims why this difference is made between these two kinds of property?

The SPEAKER. Will the gentleman from Vermont give attention to the gentleman from Arkansas, who desires to ask him a question?

Mr. MACON. I notice that this bill provides for the payment for the use and occupation of school property in the State of West Virginia by the Union Army during the war. Now, I want to know why that was done, and why the committee will not allow claims for the use of church property to be paid without their being required to go on the omnibus claims bill.

Mr. HASKINS. I yield to the gentleman from Iowa.

Mr. HAUGEN. Every claim has to stand on its own merits. These schools were seized and used and occupied for the use of the army. The material of the school buildings was used afterwards in building roads, and therefore the bill very properly

comes before this committee. It has received most careful consideration, and the committee unanimously reports the bill.

Mr. MACON. But the gentleman does not seem to understand the inquiry I am making. I want to know why it is that a bill of this kind, proper enough in itself, perhaps, should be considered in this way, while all bills for payment for use and occupation of churches have to go on the omnibus bill.

Mr. HAUGEN. The claims that are carried in the omnibus bill are claims which have gone to the Court of Claims for findings.

Mr. MACON. Was this bill referred to the Court of Claims?

Mr. HAUGEN. It has been before the Court of Claims.

Mr. MACON. What I want to find out is why this claim is not on the omnibus war claims bill, as the other war claims are.

Mr. STURGISS. Will the gentleman permit me? I am familiar with the case.

Mr. MACON. Information is what I want to get.

Mr. STURGISS. This is a peculiar case. This is a bill for the reimbursement of the board of education of Harpers Ferry district, in West Virginia, for schoolhouses, three in number, that were taken possession of, used, and occupied by the federal troops for two years. The buildings, having been so used, were taken down and part of them used in putting up bake ovens and winter quarters for the troops. Then the brick remaining were sold and the money turned into the Federal Treasury. The Government of the United States got the benefit of it in every way, shape, and form. Harpers Ferry was overrun with troops on one or the other side for three or four years.

Mr. MACON. If the gentleman will permit me, what I am endeavoring to find out is why there is a distinction made in the treatment of these bills. Now, in the city that I happen to live in, Helena, Ark., we have two churches that were used and partially destroyed during the war by federal soldiers. We have been trying to get an appropriation for the use, occupation, and destruction of this church property for many years, and although these claims are now upon the omnibus war claims bill, it has not been passed, and possibly never will be. Now, why is this difference made as to these cases?

Mr. FOSTER of Vermont. This was passed by the committee after the other bill had gone to the Senate.

Mr. MACON. After the explanation given by the gentleman from Vermont, which is just the information that I have been seeking, I withdraw my objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

LAPENE & FERRE.

The next business on the Private Calendar was the bill (S. 2886) for the relief of the legal representatives of the late firm of Lapene & Ferre.

Mr. MACON. Reserving the right to object—

Mr. MANN. I object. I do not think we ought by unanimous consent to overrule the Supreme Court of the United States.

The SPEAKER. The gentleman from Illinois objects.

STEWART & CO. AND A. P. H. STEWART.

The next business on the Private Calendar was the bill (S. 3843) for the relief of the legal representatives of Stewart & Co. and A. P. H. Stewart.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of Internal Revenue, with the approval of the Secretary of the Treasury, be, and he is hereby, authorized and directed to audit and adjust the claims of Stewart & Co. and A. P. H. Stewart, agent, for internal-revenue taxes collected on government cotton between January 1, 1865, and January 1, 1866, and which have not been heretofore refunded, and for this purpose, any statute of limitation to the contrary notwithstanding, sections 989, 3226, 3227, and 3228 of the Revised Statutes of the United States are hereby made applicable and available with the same force and effect as if protest and demand for payment had been made within the time prescribed by said sections, and the amount not exceeding \$11,268.04, when ascertained as aforesaid, and not heretofore refunded, shall be paid to legal representatives of A. P. H. Stewart and Charles A. Weed, out of the permanent annual appropriation provided for similar claims allowed within the present fiscal year.

Mr. MANN. Mr. Speaker, I reserve the right to object, if I may, for the purpose of asking a question. There was at one time a bill like this providing for the adjustment of claims of Stewart & Co., of Weed, Witters & Co., and A. P. H. Stewart. The department reported against the Weed claim, and that went out of the bill in the Senate. It is stated in this report that this is a copy of that bill as reported. Now, we have got to-day in that the claim of Stewart, striking out the claim of Weed & Co.; but you provide that the money shall be paid to the legal representatives of Stewart and Charles A. Weed. There can not be the same legal representatives of Stewart and Weed, and if the gentleman is informed all right, I will

be glad to hear it. I do not object to one claimant if it was proper to pay one-half of it to that company.

Mr. HOLLIDAY. Mr. Speaker, this is a Senate bill. Of course our committee did not know, and had no means of knowing, the motives that influenced the Senators in striking out Weed, Witters & Co., but we assume that was done because they were not proper parties. This bill has been recommended by the Commissioner of Internal Revenue and by the Secretary of the Treasury.

Mr. MANN. I beg the gentleman's pardon in reference to that. This bill has never been before the department.

Mr. HOLLIDAY. This claim has been recommended.

Mr. MANN. This claim, with a number of others, went before the department, and was reported upon in 1896. The department reported in favor of the claim of Stewart and against the claim of Weed, and undoubtedly the Senate endeavored to correct the bill by striking out the claim of Weed, but did not change it in the appropriating part of the bill, because it provides that when ascertained the money shall be paid—the gentleman will find it on line 9, page 2—to the legal representatives of Stewart and Charles A. Weed. I suggest to the gentleman that instead of taking the chance of enacting into law a provision paying a claim to another man's representatives, we strike out the words "and Charles A. Weed," so that the gentleman will have an opportunity to ascertain.

Mr. MACON. I want to ask the gentleman a question.

Mr. HOLLIDAY. I have not examined into the reasons for making the change in the Senate bill, but the report to the Senate shows that this amount of money was actually overpaid; that the Government had no right to collect it, and the Senate report, which was adopted by the House committee, says:

Had these claims been presented prior to June 7, 1873, they could have been considered in this office without further legislation. It is understood that this delay in presenting the claims was due to the fact that the claimant supposed that a letter written by his attorney to this office in July, 1871, was sufficient to save the bar, and to the further fact that he relied for evidence in support of the first-named claim on the case of *The United States v. Harrison Johnson*, decided by the United States Supreme Court at its October term, 1887.

Mr. HASKINS. The act of Congress of 1864 provided that all cotton sold by or on account of the Government of the United States shall be free and exempt from duty at the time of the sale thereof.

Mr. MANN. I think the gentleman from Vermont did not get my point. I was not discussing the merits of the bill. In my judgment, the bill is meritorious. The original bill in the last Congress provided for the payment of certain claims to Stewart, and also to Weed & Co. The department reported against the payment of the claim to Weed & Co. Thereupon the Senate apparently attempted to amend the bill, and the present bill only authorizes the adjustment of the claims of Stewart; but when those claims are adjusted it provides that they shall be paid, one-half of them to the representatives of Weed.

Mr. BUTLER. Mr. Speaker, I move that this bill be passed without prejudice, so that the question asked by the gentleman from Illinois [Mr. MANN] may be answered, and we may return to it. Will the gentleman have any objection to that?

Mr. MANN. Oh, no.

Mr. MACON. I want to ask the gentleman a question.

Mr. BUTLER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. BUTLER. In order that the question asked by the gentleman from Illinois [Mr. MANN] may be answered later, I will ask that this bill be passed without prejudice, and that we may return to it later.

Mr. MACON. Before that request is granted I desire to ask the gentleman from Indiana [Mr. HOLLIDAY], who seems to be in charge of the bill, a question. I could not hear the bill distinctly when it was read, there was so much conversation going on, so many gentlemen who did not seem to want to hear it. I want to know if this does not provide for the removal of the bar of the statute of limitations as against this particular measure?

Mr. HOLLIDAY. I think that is about what it amounts to.

Mr. MACON. Then I shall have to object, unless there is a general bill that removes the bar of the statute of limitations against other claims that I have in mind.

Mr. MANN. All the war-claim bills remove the bar of the statute of limitations.

Mr. MACON. On the contrary, I will say to the gentleman from Illinois that we have some war claims that are barred, that will not even be given consideration, because they are barred by the statute.

Mr. MANN. They are all barred by the statute of limitations.

Mr. MACON. Unless a similar rule can be adopted as to all of them, I shall object to the removal of the bar in this case.

Mr. HOLLIDAY. This is not an ordinary war claim. Here was money paid into the Treasury, which the Treasurer says he had no right to collect, which was collected inadvertently and by mistake. If the claimant had applied in the proper way for it before the statute ran, he could have collected it from the department, but he undertook to get it by a letter and did not follow the proper method.

Mr. MACON. That was his fault.

Mr. HOLLIDAY. It was his misfortune.

Mr. MACON. The unfortunates in the South who lost their cotton and other property during the war did the very same thing. They allowed the statute to bar them before they proceeded.

Mr. HOLLIDAY. There is no question on earth that the Government owes them this money.

Mr. MANN. Let me ask the gentleman from Arkansas a question. There are on the calendar a number of resolutions referring bills containing war claims to the Court of Claims. Does the gentleman understand that the passage of these resolutions waives, in effect, the bar of the statute of limitations?

Mr. MACON. In reply to the gentleman, I will say that we have had that resolution on the calendar for twelve months, and we have not been able to pass it and have the claims in it referred to the Court of Claims, and there seems to be no prospect of having it referred during this session, and I object.

Mr. MANN. There are a large number of these resolutions on the calendar, and I wished to ascertain, if I could, whether the gentleman understood that this resolution, in effect, practically waives the statute bar of limitations?

Mr. MACON. We can not get congressional action on them.

Mr. MANN. If the gentleman himself did not take that attitude, they would be passed. If the gentleman takes the attitude that no bill shall be passed waiving the statute of limitations, to be consistent—and he is not only able but consistent—he would have to object to the consideration of these resolutions, because they, in effect, waive the bar of the statute of limitations.

Mr. MACON. I will object to the request of the gentleman from Pennsylvania until I see whether or not we do pass any war claims where the statute of limitations is not waived.

The SPEAKER. Is there objection to the request that the bill be passed without prejudice?

Mr. MANN. That request is withdrawn.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MACON. I object.

NAPOLEON B. GIDDINGS.

The next business on the Private Calendar was the bill (S. 4690) for the relief of the legal representatives of Napoleon B. Giddings.

The Clerk read the bill at length.

Mr. MACON. Mr. Speaker, I object.

PHOEBE CLARK.

The next business on the Private Calendar was the bill (H. R. 11632) for the relief of Phoebe Clark.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Phoebe Clark, of Helena, Lewis and Clark County, in the State of Montana, the sum of \$116, for a typewriter and necessary repairs thereon, which said typewriter was furnished and used by her as transcribing clerk in the office of the United States surveyor-general of the State of Montana, exclusively for government work, and which said typewriter, and the repairs thereon, were necessary for a proper performance of her duty as such transcribing clerk.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM MITCHELL.

The next business on the Private Calendar was the bill (H. R. 1536) authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, civil war.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, civil war, from the 25th day of August, 1863, up to his death, which occurred the 18th day of September, 1863.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

O. MAURY & CO.

The next business on the Private Calendar was the bill (S. 2969) for the relief of O. Maury & Co., of Bordeaux, France.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to L. Renard, agent of O. Maury & Co., of Bordeaux, France, in full reimbursement of losses sustained by them by reason of the erroneous detention and subsequent destruction by the Bureau of Chemistry of the Department of Agriculture of three casks of wine imported into the United States by said firm, which payment is recommended by said department, the sum of \$238.15, which amount is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

JEROME E. MORSE.

The next business on the Private Calendar was the bill (H. R. 4151) for the relief of Lieut. Commander Jerome E. Morse, U. S. Navy, retired.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 2, 1909:

H. R. 4166. An act to relieve George W. Black and J. R. Wilson from a certain judgment in favor of the United States and to relieve George W. Black, J. R. Wilson, and W. M. Newell of a certain judgment in favor of the United States; and

H. R. 12899. An act to provide for a disbursing officer for the Government Hospital for the Insane.

On February 3, 1909:

H. R. 16191. An act to refund certain moneys paid into the Treasury of the United States through mistake by Augustus Bannigan;

H. R. 18744. An act for the relief of the estate of Mark S. Gorrill;

H. R. 26920. An act to repeal section 12 of an act entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes," approved February 28, 1903, and to provide for the location and erection of a substation on the parking at the corner formed by the intersection of the east side of Seventh street and the south side of C street SW., in the city of Washington, D. C., by the Philadelphia, Baltimore and Washington Railroad Company, and to provide for the approval of the same by the Commissioners of the District of Columbia; and

H. R. 26709. An act to amend an act to provide for the reorganization of the consular service of the United States.

On February 4, 1909:

H. R. 5461. An act for the relief of Lawson M. Fuller, major, Ordnance Department, U. S. Army;

H. R. 6145. An act to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government;

H. R. 22884. An act to impose a tax upon alcoholic compounds coming from Porto Rico, and for other purposes;

H. R. 24151. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the county court of Marshall County, W. Va.;

H. R. 24492. An act to authorize the Secretary of War to donate one condemned bronze fieldpiece and cannon balls to the county of Orange, State of New York;

H. R. 26073. An act to legalize a bridge across Indian River North, in the State of Florida;

H. R. 26606. An act to authorize the Lewis Bridge Company to construct a bridge across the Missouri River;

On February 4, 1909:

H. R. 4836. An act granting to the Norfolk County Water Company the right to lay and maintain a water main through the military reservation on Willoughby Spit, Norfolk County, Va.;

H. R. 4931. An act to correct the military record of Corwin M. Holt; and

H. R. 17572. An act for the relief of George M. Voorhees.

On February 5, 1909:

H. R. 6032. An act to pay to the administratrix of the estate of George W. Fleming for services rendered as letter-box inspector from March 29, 1902, to June 13, 1903.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9006. An act to amend an act authorizing the Washington, Spa Springs and Greta Railroad Company, of Maryland, to enter the District of Columbia, approved February 18, 1907—to the Committee on the District of Columbia.

S. 8588. An act to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909—to the Committee on Military Affairs.

S. 7374. An act to provide for the purchase of a site and the erection of a public building thereon at Astoria, in the State of Oregon—to the Committee on Public Buildings and Grounds.

S. 8555. An act to relinquish the interest of the United States in and to certain land in Dade County, Fla., to John M. Bryan, jr.—to the Committee on the Public Lands.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26399) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4535. An act to amend section 714 of the Revised Statutes of the United States, relating to the resignation of judges of the courts of the United States.

JOHN M. HILL.

The next business on the Private Calendar was the bill (H. R. 18600) for the relief of John M. Hill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John M. Hill, late register of the United States land office at Walla Walla, Wash., out of any money in the Treasury not otherwise appropriated, the sum of \$750, the amount paid by him out of his own funds for clerk hire during his term of office as such register prior to the appointment of a clerk in said office from an eligible list furnished by the Civil Service Commission of the United States.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ELLIS W. JOY.

The next bill on the Private Calendar was the bill (H. R. 14290) for the relief of Ellis W. Joy.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Ellis W. Joy, of Andrew County, Mo., out of any money in the Treasury not otherwise appropriated, the sum of \$300, being the sum unlawfully collected from him by the board of enrollment in the State of Ohio, namely, \$300, to furnish a substitute when drafted for service in the army, he not being a citizen of Ohio at the time and serving as a soldier with the Missouri troops.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MILLE LAC BAND, CHIPPEWA INDIANS.

The next business was the bill (S. 5330) for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I would like to have somebody explain the bill, and I ask that it may be passed without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

AUTHORIZING CREDIT IN ACCOUNTS OF UNITED STATES TREASURER.

The next business was the bill (S. 4049) authorizing a credit in certain accounts of the Treasurer of the United States.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman how this shortage occurred, what the shortage is, and when it occurred.

Mr. MILLER. Mr. Speaker, I will answer the gentleman by calling his attention to the report of the Secretary of the Treasury. He said:

The relief sought in this case is authority to remove from the accounts of the Treasurer of the United States an item carried therein as "unavailable funds, office assistant treasurer of the United States, Boston," a shortage of \$3,000 in the amount of money belonging to the United States while in the custody of assistant treasurer of the United States at Boston, Mass., who is responsible for the safe-keeping thereof under his official bond.

The man who stole the money was arrested and tried twice.

Mr. MACON. Was he acquitted or convicted?

Mr. MANN. He was acquitted.

Mr. MILLER. The assistant treasurer was in no way to blame, and we thought it would be a very great hardship to hold him responsible for a loss with which he had nothing to do, and for which he ought not to be held responsible.

Mr. MACON. The department holds the man responsible that the jury said was not responsible by its verdict of not guilty?

Mr. MILLER. Yes.

Mr. MACON. Does the gentleman think that the department is in any better position to say whether the man that was acquitted was guilty than the jury had to say that he was innocent?

Mr. MILLER. There was no question about the guilt of the man.

Mr. MACON. Just one of those cases where the jury turned a guilty man loose?

Mr. MILLER. That is it.

Mr. CLARK of Missouri. What is this claim about?

Mr. MILLER. I will yield to the gentleman from Massachusetts [Mr. TIRRELL], who is the author of the bill.

Mr. MANN. Three thousand dollars was stolen from the subtreasury at Boston.

Mr. MILLER. Yes; and the man who stole the money was arrested and tried. The treasurer is asking for relief on the ground that he was in no way to blame for the loss, and the Secretary of the Treasury says that he ought to be given relief.

Mr. CLARK of Missouri. I would like very much to ask what these people give bonds for if they are not to be held to account for the money lost?

Mr. MILLER. They give bonds for the safe-keeping of the money. That is what they give the bonds for, and if there is any negligence whatever on the part of the assistant treasurer or anyone bonded to the Government, I think he ought to be held strictly to his bond, but where there is no fault or negligence on the part of the office and he could not help the loss, I do not think he ought to bear the loss, but the Government of the United States ought to bear the loss.

Mr. CLARK of Missouri. Did they ever find the man who stole the money?

Mr. MILLER. Yes; they found him and tried him.

Mr. CLARK of Missouri. What did they do with him?

Mr. MILLER. If the gentleman will permit—

Mr. CLARK of Missouri. Wait a minute. What became of the man that they arrested?

Mr. MILLER. He was arrested and tried and found not guilty.

Mr. CLARK of Missouri. Well, I object.

Mr. TIRRELL. Mr. Speaker, will the gentleman not reserve his objection for a moment? This is my bill and I would like to explain the facts to the gentleman from Missouri.

Mr. CLARK of Missouri. Very well. The gentleman will have a tough time explaining why he ought to have that money.

Mr. TIRRELL. There were two persons only who could have been guilty of any theft from the United States in connection with this matter. One was a Mr. Vasser and the other was a Mr. Hastings. This embezzlement was discovered in a package of money which was forwarded from the subtreasury in Boston to Washington. The package should have contained \$105,000. Upon counting it it was found to contain \$102,000, a shortage of \$3,000. Thereupon the subtreasurer in Boston immediately went to work and by every possible means available ascertained all the facts connected with the same. Suspicion pointed entirely to a clerk named Hastings, and he was indicted in the United States court. He was tried, and the trial lasted some three weeks, as I remember. Every scintilla of evidence that could be produced was submitted to the jury, and the jury disagreed. Thereupon in the course of less than a year he was tried again, and thoroughly tried, and the subtreasurer did everything in his power to submit all the facts in the case in these trials to the jury, and the jury on the second trial acquitted Hastings. There was no other party in any way implicated or upon whom any suspicion could possibly rest in regard to this matter.

Mr. CLARK of Missouri. You said a while ago there were two men. What became of the other man?

Mr. TIRRELL. The other man who was supposed to be implicated at the time was exonerated by all concerned from any possibility or suspicion of being connected with the matter. There were two at first, and there were only two upon whom there could possibly be any implication.

Mr. CLARK of Missouri. Why did not they arrest both?

Mr. TIRRELL. Because they arrested the man against whom the evidence pointed.

Mr. CLARK of Missouri. They arrested the wrong man.

Mr. TIRRELL. No; there was but one man; there was nothing against the other man. Now, the subtreasurer went beyond what he was required to do and took a bond to protect him against this loss, and the gentleman from Missouri will well understand that they must show, in order to hold the surety company, as will appear by the report, wherein they set forth the bond—that there shall be proved that the loss arose from a fraudulent or dishonest act in order that the subtreasurer, Mr. Curtis, could recover under that bond, and this bond was in the usual form.

Mr. SHACKLEFORD. I would like to ask the gentleman a question.

Mr. TIRRELL. I yield.

Mr. SHACKLEFORD. There was a bond insuring the subtreasurer against loss by the misconduct of these men.

Mr. TIRRELL. Yes; let me read the bond to the gentleman—

Mr. SHACKLEFORD. Was any suit brought?

Mr. TIRRELL. Under the bond a suit would be useless. The conditions of the bond given were as follows:

"Now, therefore, if the said principal shall for the term beginning the ____ day of ____ and ending on the ____ day of ____ truly, faithfully, and accurately execute and discharge all of the acts and duties now or hereafter required of him by said assistant treasurer in said employment or by any and all laws and regulations concerning the business of said subtreasury, and shall further indemnify and hold harmless said Edwin U. Curtis and said United States of America from and against any and all loss which may arise from the fraudulent or dishonest acts of the said principal, then this obligation shall be void and of no effect; otherwise it shall be and remain in full force, virtue, and effect."

Now, they could not prove a fraudulent or dishonest act on the part of this man, and therefore Mr. Curtis could not recover on the bond.

Mr. SHACKLEFORD. Let me suggest to the gentleman that in criminal cases the law requires that you must prove the fact beyond every reasonable doubt, whereas in a civil case it would only be necessary to prove that there is a preponderance of evidence and, as the courts have held in a great many instances, that an acquittal in a criminal case is no bar to a civil action.

Mr. TIRRELL. I will say to the gentleman from Missouri that this question was submitted to the United States district attorney, and he rendered a written opinion upon that matter, in which he said:

In my judgment, and undoubtedly in the judgment of the district attorney's office, there has not been such a breach of the condition of the bond that a claim against the surety company could be maintained.

In other words, where can you find any neglect on the part of the subtreasurer at Boston? In endeavoring to find out the criminal who committed this offense and embezzled this money, he at once put his agents at work and gathered up all the possible evidence that could be gathered in connection with this case. There was only one man against whom there was any suspicion or any evidence whatever could be gathered anywhere, and he was indicted in the United States court. He was tried and acquitted, and he was then tried again. What more, I submit to the gentleman from Missouri, could the subtreasurer at Boston have done to protect the United States Government?

Mr. SHACKLEFORD. I cited the gentleman to the fact that suit could have been brought upon the bond for this shortage, and I think it could have been recovered; and, as I suggested a while ago, the courts have passed upon the fact that an acquittal in a criminal case is not a bar to a civil action, and, Mr. Speaker, I shall have to object.

The SPEAKER. Objection is heard.

HASTINGS STEAMBOAT COMPANY.

The next business on the Private Calendar was the bill (S. 4427) for the relief of the Hastings Steamboat Company.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hastings Steamboat Company, or its legal representatives, the sum of \$286.35, as full compensation to said steamboat company for loss and damages sustained by it on account of the steamer Dauntless having her stem struck and split by the U. S. S. Cartwright in the waters of Puget Sound on October 12, 1904, while said Cartwright was being operated under the direction and control of the United States Government and said Dauntless was lying motionless at the dock.

Mr. MANN. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Kansas [Mr. MILLER] whether it is the policy of his committee, where an injury occurs by collision at sea or on the water, to allow for loss of time to the injured boat?

Mr. MILLER. Mr. Speaker, to be frank with the gentleman from Illinois, it has not been the practice of the committee, and we have never done anything of the kind heretofore. I am inclined to think, from looking over the report in this case, that we have allowed a small amount for the loss of time.

Mr. MANN. Of course, I care nothing about the amount in this case. It is but little. There is another case here on the calendar with a still smaller total amount also. But it makes quite a precedent.

Mr. MILLER. I agree with the gentleman.

Mr. MANN. And if it is not to be considered as a precedent, it will be quoted anyhow if the bill passes.

Mr. MILLER. There is no doubt about the meritorious character of the claim.

Mr. MANN. There is no doubt that the man whose boat was damaged should be paid the amount of damage to the boat. The question is whether he should charge twenty or thirty dollars for loss of time. In this particular case there is some doubt about the merits. The inspector who examined this said the injury to the boat was a fake.

Mr. MILLER. The Quartermaster-General says the claim is all right.

Mr. MANN. The Quartermaster-General says that two men examined the boat. One of them took the word of the owner of the boat without going any further, and he reported that the claim was all right. The other examined the injury, and he says that it bore absolute evidence that the boat was as old as years.

Mr. MILLER. We are not discussing the merits of the claim now. I am not in favor of allowing claims of that character, I will say frankly to the gentleman from Illinois.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

DAVID W. STOCKSTILL.

The next business on the Private Calendar was the bill (H. R. 8982) for the relief of David W. Stockstill.

The bill was read in full.

Mr. MANN. Mr. Speaker, reserving the right to object—

Mr. HOLLIDAY. Mr. Speaker, reserving the right to object, I would like some explanation of the bill.

Mr. MANN. May I ask the gentleman if this bill was ever referred to the War Department or to the Auditor for the War Department?

Mr. MILLER. Mr. Speaker, I can not answer that question. There is nothing in the report to show that. It is the rule of the committee to send all bills to the proper department, and this ought to have gone there.

Mr. MANN. I object.

HENRY A. TOLBERT.

The next business on the Private Calendar was the bill (H. R. 7048) for the relief of Henry A. Tolbert.

The bill was read in full.

The SPEAKER. Is there objection?

Mr. SABATH. Reserving the right to object, I would like to ask the gentleman to explain this bill.

Mr. MILLER. What does the gentleman want to know?

Mr. SABATH. What the claim is for; where the default was in the contract?

Mr. MILLER. In answer to the gentleman, I desire to say that this is a claim where a young man, for the first time in his life, thought he could make money out of taking a contract to erect some buildings for the Government of the United States. He bid on a certain contract. He had to enter into a bond of obligation to pay in case he failed to enter into a contract after the bid was accepted by the Government. After the bid was accepted by the Government, he went to look over the field and inquire what amount it would cost to do the work. He found that if he entered into the contract he would lose very largely on it. His father and a friend of his were on the bond, and demand was made upon them for the payment of it, because he failed to enter into the contract after he learned for the first time that he could not carry it out. The result was that his father had to pay the bond, some \$3,000. The Government of the United States says that the amount which he bid upon the work was very much less than the work could be done for.

The contract was let to the next highest bidder, and he did the work. The difference between the two amounts was about \$3,000, and that was the amount his father had to pay on his

bond. Now, it is the accumulation of a lifetime of a man who served his country faithfully during the dark days of the civil war, and he is asking in his old age to be reimbursed the money that he has paid out. The Government recommends favorable action upon this case.

Mr. SIMS. Mr. Speaker, reserving the right to object, I find that when people take government contracts and lose something, they come to the Government to be made whole, but when they take contracts from the Government and make money on them they never come and offer to give any of the money back again.

Mr. MILLER. I desire to say to the gentleman from Tennessee that that is true in very many cases, and the result is they have never been able to get any claim of that kind reported from the Committee on Claims. This is a case where he had not entered into a contract. He simply made a bid, and after investigation of the whole field he found his bid was much too low. He found that it would be impossible to do the work without a heavy loss, and he asked to be relieved. But the Government held him strictly to the contract, as though entered upon, and his father had to pay the bond. I say that if the man had been an experienced man, a man who had had large experience in contracts with the Government, I would not stand here for a single moment and ask that he be relieved. But he had never had any experience. This was the first bid he had ever made, and until after he had made it he did not realize what he was doing. Afterwards his father had to pay the amount of the bond. If ever there was a meritorious claim before the committee I think this is one.

Mr. EDWARDS of Georgia. Was the Government damaged in any way?

Mr. MILLER. No. The Government itself says, through its officers, it was not damaged, and that the amount of the bid of the next bidder was a reasonable amount for the work done. I will read the language contained in the report:

It is proper to state that the amount paid for construction of the buildings to the next lowest bidder is deemed reasonable, and it is quite certain that the amount submitted in the proposal of Harry W. Tolbert for their construction was less than the work could have been performed in accordance with the plans and specifications therefor. It is therefore the opinion of this office that there is a certain equity in the matter in favor of the claimant which may warrant Congress in a favorable consideration of the claim, and the approval of the accompanying bill when corrected as to the year "1902" instead of "1892" as written therein.

I want to call attention again to the statement made by the father:

The Government has not been to a loss of this amount as the list of bids shows that the price paid by the department was not excessive and, with the exception of my son's, the bids were not far apart. My son is a poor working mechanic, without means, and I could not in justice allow my fellow-bondsman to lose anything, therefore the whole loss, if any, falls on me, and I am not able to stand a loss of this amount. It is the saving of a lifetime and was laid up for use in old age. If I have caused the Government any loss I am willing to pay. I am a veteran of the civil war and I think I am entitled to be dealt with leniently in this matter.

And the chairman of the committee and every member of the committee feel the same way about it.

Mr. SIMS. Mr. Speaker, I do not want to be in the way of a just claim—

Mr. MANN. If the gentleman will permit—

Mr. SIMS. I would like to permit.

Mr. MANN. Only to give my impression.

Mr. SIMS. I would like to have it.

Mr. MANN. This young fellow was as fresh as fresh could be, and as green as grass. He had a notion that he was a contractor, or would make a contractor out of himself. The Government advertised for bids. Without knowing anything of the subject, he undertook to make a bid, and put in a bid for apparently much less than the work could be done for. There he stopped; the bond, however, had gone in with his bid. When he found out something about the real thing, after making a foolish bid, he found that he could not do the work for it.

Mr. SIMS. Did not his father know before he signed that bid that he was undertaking a matter for which he might be liable?

Mr. MANN. Undoubtedly his father knew that. His father, like many fathers, had an exaggerated notion of the qualities of his son.

Mr. SIMS. Do you not think it would be a good idea for him to pay something for the good opinion?

Mr. MANN. He ought to pay something for that opinion; although I may say to the gentleman that those of us who have large families, if we should be required to pay that much in every case, it would be exceedingly expensive. [Laughter.]

Mr. SIMS. That father pays for his good opinion of his son. If we are going to say to every young man, "Bid on government contracts when you please, make your bonds, and the

House will release you if it is found that it is not profitable."

Mr. MANN. I will say I think there is no danger of that. The gentleman knows that I am not very much in favor of paying claims of this sort, and know nothing about this claim except what I find in the record.

Mr. GAINES of Tennessee. Was there any loss in dollars to the Government?

Mr. MILLER. This other party performed the work, and there was no more loss than if the other bid had never been made.

Mr. SIMS. Is this the unanimous report from your committee?

Mr. MILLER. Yes.

Mr. GAINES of Tennessee. Well, the gentleman from Illinois stated that there was no actual loss in dollars and cents to the Government. Now, that, I take, is a fact.

Mr. MILLER. The first bid was for \$9,000, as I remember, and the second bid was for \$12,000. When the first bid failed, of course they let the work to the second bidder for \$3,000 more.

Mr. GAINES of Tennessee. And the work was done?

Mr. MILLER. And the work was done, and the Government says that the work was done for a reasonable amount.

Mr. GAINES of Tennessee. Then the only outlay the Government was put to was for readvertising?

Mr. MILLER. They were not even put to that expense. They simply let the contract to the next lowest bidder.

Mr. EDWARDS of Georgia. In the hearings it did not develop that there was any collusion between the lowest bidder and the next lowest bidder, did it?

Mr. MILLER. None whatever. It was shown absolutely that there was no collusion. If there had been any, the committee would not have reported the claim.

Mr. CLARK of Missouri. Mr. Speaker, when I first came here I served two years on the Committee on Claims, and did a great deal of hard work on it, and I always fought this kind of bills on principle. I am against this one. It is just exactly like the star-route bidding used to be. You could bid on as many of them as you wanted to, and you took what were good and threw the rest back on the Government. That got to be such a nuisance that at last they made a regulation in the department or Congress passed a law that when a man bid on a mail route he must give bond that he would take it if it was knocked off to him, and the principle is right. Suppose a man goes to work and bids on a contract, on the expectation and belief, after investigation, that the steel in a building will cost \$100,000, and he gets the contract. If conditions were as he supposed, he could come out even and make something on it; but something happens in the steel trade, so that the price of the steel in the building goes up to \$110,000, and he loses \$7,000. Then he comes into Congress and wants the Government to reimburse him for the loss. The principle is bad, and I object to it.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

OMAHA TRIBE OF INDIANS.

The next business on the Private Calendar was the bill (S. 2901) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims.

The SPEAKER. If there be no objection, the Clerk will report the substitute.

Mr. SIMS. Mr. Speaker, are bills from the Indian Committee in order to-day?

The SPEAKER. Anything on the Private Calendar is in order to-day, if it is reached.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That all claims of whatsoever nature which the Omaha tribe of Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said Omaha tribe from the United States under the treaty between the United States and the said Omaha tribe of Indians, ratified and affirmed March 16, 1854, or any other treaties or laws, or for the misappropriation of any funds of said Omaha tribe for purposes not for its material benefit, or for failure of the United States to pay said Omaha tribe any money due; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all legal or equitable claims, if any, of said Omaha tribe against the United States, and also any legal or equitable defense, set-off, or counter-claim which the United States may have against said Omaha tribe of Indians, and to enter judgment thereon. The Court of Claims shall advance said cause upon the docket. If any question is submitted to said court it shall settle the rights, both legal and equitable, of both the Omaha tribe of Indians and the United States, notwithstanding lapse of time or statutes of limitation, and the final judgment and satisfaction thereof in said cause shall be deemed a final settlement of all claims of said Omaha Indians against the United States. Such action in the Court of Claims shall be presented by a single petition, subject, however, to amendment, to be filed within one year after the passage of this act; and such action shall make the Omaha tribe of Indians party plaintiff and the United

States party defendant, and shall set forth all the facts on which the Omaha tribe of Indians bases its claim for recovery; and the said petition may be verified by any attorney at law employed under existing law by the said Omaha Indians to prosecute their claims under this act, upon information and belief as to the existence of such facts, and no other statements or verifications shall be necessary. And the said Omaha tribe of Indians, subject to the approval of the Secretary of the Interior, may, by contract in writing, employ an attorney or attorneys at law to bring and prosecute such suit, such contract to provide that the fees of such attorneys shall be fixed and determined by said court at such sum only as said court shall find the services of said attorney or attorneys rendered in bringing and prosecuting said suit shall be reasonably worth. Official letters, papers, reports, documents, and public records, or certified copies thereof, may be used in evidence if competent under the rules of said Court of Claims: *Provided*, That upon the final determination of such suit the Court of Claims shall have jurisdiction to decree such reasonable fees as the court shall find shall be paid to the attorney or attorneys employed by the Omaha tribe of Indians, and the same shall be paid out of any sum or sums found due said Omaha tribe of Indians: *Provided further*, That the Otoe and Missouri Indians, of Oklahoma, are hereby authorized to intervene in the said action and set up and have determined any right or interest they or either of them may have or claim to have in said claim; and jurisdiction is hereby conferred upon said Court of Claims to hear and determine all legal and equitable claims, if any, of said Otoe and Missouri Indians, of whatsoever nature, which either or both of said tribes of Indians may have or claim to have against the United States, with the right of appeal to the Supreme Court of the United States by either party, for the determination of the amount, if any, due either of said tribes from the United States under any treaties or laws of Congress or the unexecuted stipulations of any treaties, or for the misappropriation of any of the funds of either of said tribes for purposes not for their material benefit, or for the failure of the United States to pay either of said tribes any money due."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask some member of the committee to make a statement about this.

Mr. HACKNEY. I shall be glad to answer an inquiry.

Mr. MANN. What was the object in striking out the Senate bill and inserting the amendment, which seems to be much more lenient toward the payment of attorneys' fees?

Mr. HACKNEY. The gentleman is very much mistaken in that respect. The purpose in striking out the language of the Senate bill was to perfect the bill. We amended it in so many respects, particularly in regard to allowing any equitable or legal set-off and not recognizing any particular contract with attorneys. That was one of the reasons why we amended the Senate bill. We did not want to tie the Indians to any particular contract in employing any particular attorney. There seems to be some question about what attorney shall represent them, and we had a good deal of trouble about that.

Mr. MANN. I do not understand that the Senate bill employed any particular attorneys.

Mr. HACKNEY. It referred to a certain contract made at a certain time, many years ago, and I am not sure whether it had met the approval of the Secretary of the Interior, but we conformed to the suggestion of the department as to the attorney feature.

Mr. MANN. Of course I know the Committee on Indian Affairs do not desire to report any bill that is in the interest of attorneys, but it looks to me very much as though this was. I think it is a matter that ought to be considered more fully than it can be here to-day.

Mr. HACKNEY. That feature was fully considered by the committee, and we leave it to the court to fix the pay of these attorneys, who bring suit only at such sum as they earn, and not require the Indians to pay a given per cent that might be very unreasonable.

Mr. STEPHENS of Texas. We intended that the Court of Claims should pass upon the attorney fees.

Mr. MANN. I would much rather trust the department to fix the attorney fees than to trust the Court of Claims, where the attorneys present their bill and get other attorneys to testify as to the value of their services. It is a mighty easy thing to get other attorneys to fix a high valuation upon another attorney's fees.

Mr. HACKNEY. The gentleman will see that we provide that it shall be paid only after the attorney has submitted his contract of employment to the Secretary. In order to get a standing in court he must submit his contract to the Secretary and get his approval. The bill was amended in that particular.

Mr. CARTER. Let me ask the gentleman, does not the amended bill provide that those Indians who reside at Oklahoma belonging to this tribe may intervene in this suit, and that the original bill did not make such a provision?

Mr. HACKNEY. Yes; the Otoe and Missouris in Oklahoma claim to have some share in this claim, and we want to have the whole matter settled, as recommended by the department. I think the bill is in exceptionally good form.

Mr. EDWARDS of Georgia. Is it a unanimous report of the committee?

Mr. HACKNEY. Yes.

Mr. MANN. I think the bill should be considered where there is an opportunity to debate it. It provides for all legal and equitable claims to be submitted. It says "and jurisdiction is hereby conferred on the Court of Claims to determine all legal and equitable claims of said Omaha tribe against the United States."

Mr. HACKNEY. And also all claims of the Government against the Indians.

Mr. MANN. That follows, of course.

Mr. HACKNEY. I think the language is such as to give the court full jurisdiction both of legal claims and equitable claims and legal and equitable set-offs and counterclaims.

Mr. MANN. The language of the bill gives the Court of Claims jurisdiction of any fanciful claim or otherwise that the tribe chooses to make for any purpose, and then if any money is obtained the bigger end will go to the attorneys. While I am an attorney and believe in taking care of the profession, I do not like to take the whole of it.

Mr. HACKNEY. The committee has considered the attorneyship matter and disregarded the previous employment and left the matter so that they could employ any attorney they pleased. I challenge the gentleman from Illinois to draw a bill that will protect the Indians better than this does. That is one thing the committee undertook to do to provide measures so that they would not be held up for exorbitant fees.

Mr. HOLLIDAY. I would like to ask, Mr. Speaker, whether it is too late to make a point of order that this bill is not on the proper calendar?

Mr. MANN. I was about to say that the bill did not belong on the Private Calendar anyhow.

The SPEAKER. The bill is not under consideration. What is the gentleman's point of order?

Mr. HOLLIDAY. The point of order is that it is a public and not a private bill.

Mr. MANN. Mr. Speaker, to save time so that it may be possible to get through the calendar to-day, I will object for the present.

The SPEAKER. The Chair will examine the bill and direct the transfer to the Union Calendar if, under the rule and practice, it ought to go there.

SAMUEL GARLAND.

The next bill on the Private Calendar was the bill (H. R. 2245) authorizing the Court of Claims to hear and adjudicate the claims against the Choctaw Nation, of Samuel Garland, deceased.

Mr. CARTER. Mr. Chairman, I would like to state that the report was made some time in April, and on May 29, 1908, the Indian omnibus bill was passed, and this matter was incorporated in that bill. So it is already passed and is now law, and I ask unanimous consent that it be laid on the table.

The SPEAKER. Without objection, the bill will lie on the table.

There was no objection.

DAVID ROBERTSON.

The next business was the bill (H. R. 5808) placing David Robertson on the retired list of the United States Army.

The bill was read.

Mr. HOLLIDAY. I object.

CHARLES ENGSTROM AND C. PETERSEN.

The next business was the bill (H. R. 19757) for the relief of Charles Engstrom and C. Petersen.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. CALE. Will the gentleman reserve his objection?

Mr. MANN. I reserve my objection.

Mr. CALE. Mr. Speaker, this is a claim by Engstrom and Petersen for money, \$200, that was collected by the United States Government without any authority whatever, and the only manner in which these two young men can get the money back is by an act of Congress. It seems that in 1899 these two hard-working and industrious young men in Alaska thought they could make a little money by going into the fur business and raising foxes on a barren island known as "Dry Island," in Alaska, an island entirely worthless and useless up to the present time. The United States Government discovered that they were squatted on that island and had gone into this business, so the revenue cutter was directed to go there and to collect \$100 a year license. Prior to this time, and prior to the passage of the act of March 14, 1898, the Government had leased islands, but after the passage of this act it was discovered that it had no right whatever to lease those islands, and after the passage of that act these \$200 were collected

from these two young men. The department and the legal adviser of the Treasury Department discovered that the Government had no authority for collecting this money, and these men have been out of their money for the last eight or nine years. The department has recommended that this money be returned to them. It is simply money that is taken from these two young men, cash, and the Government has given them nothing whatever in return for it. They have been out of the use of the money eight or nine years. They paid the money at the solicitation of the Government, supposing, of course, that the Government had the right to collect the money. They went to a great deal of trouble and expense under the misinformation they had received from the department itself.

Mr. MANN. Will the gentleman yield for a question?

Mr. CALE. Certainly.

Mr. MANN. Is the gentleman aware that it was the policy of the Government up there to lease these islands for the raising of foxes, and that a number of leases were executed to different people, which they were glad to make, and for which they were glad to pay the rental?

Mr. CALE. Yes.

Mr. MANN. Thereupon these two gentlemen executed a lease.

Mr. CALE. I beg the gentleman's pardon. Let me correct the gentleman.

Mr. MANN. Well, they did have a lease and they were glad to pay the rent.

Mr. CALE. Yes.

Mr. MANN. Thereupon it was held by the government officers, purely as a technical matter, that there was no authority on the part of the Government to execute this lease, and these people, having made the lease, remained in possession and are yet in possession of this island, raising foxes upon it for profit, perfectly willing in the first place to have paid the rental demanded by the Government, but when it was ascertained that the Government had no technical authority to execute the lease, they still remained on the island. Now, what justice is there in their claim?

Mr. CALE. I want to correct the gentleman. He is entirely mistaken, or else I am. Prior to the passage of the law of March 14, 1898, the Government had a right to lease these islands, and did lease them; but after the passage of this act the Government did not have the right to lease the islands. The islands that were leased prior to the passage of this act are still being leased from year to year and a revenue collected, but after the passage of this act, which was the time these young men went on to the island, the Government collected the money, and the Government had no right to lease the islands and the Government does not in any way protect them. The gentleman or myself or anybody else can go right on to the island and go into the same business and interfere with them, for they are without protection.

On the other islands where leases are made and the Government had a legal right to lease them, the lessees are protected from all comers. These men are put off the island and they have gone out of the business and had to quit it because they had no protection.

Mr. MANN. They had the protection during the time that they were paying this money.

Mr. CALE. Exactly.

Mr. MANN. There was no decision that they should not have this protection until after the time had expired for which this money was paid. They had the protection and they had the island and they were in possession and they had everything they paid for. A technical decision was made afterwards that the Government had no right to take the money. That may be true, but they have no moral right to complain when they got what they paid for.

Mr. CALE. They did not get what they paid for, and that is what I am complaining of. They started in with the intention of going into the business, supposing the Government would protect them and that the island would be leased to them from year to year. The work they did was preliminary work, work for which they have received no compensation and no profits that would naturally flow when the business was once got under way. The Government stepped in in the meantime and dispossessed them, refuses to grant them any further license, and will not allow them on the island.

Mr. MANN. The Government did not dispossess these people.

Mr. CALE. Practically.

Mr. MANN. It did not dispossess these people. On the contrary, the Government preserved them in their rights for the period of time for which this money was paid, and at the end of that period of time, while demanding no further money, left them in possession of the island raising these foxes.

Mr. CALE. But he is in a different position from the men who leased the island prior to the passage of the act of 1898.

Mr. MILLER. Mr. Speaker, I want to call the attention of the gentleman from Illinois to the fact of what the record shows in this report of Acting Secretary Herbert Knox Smith:

After the foregoing collections had been made the Solicitor of the Treasury in an opinion dated June 28, 1900, stated that the Secretary of the Treasury had no authority to lease any islands in Alaska other than those leased and occupied prior to the act of May 14, 1898.

Mr. MANN. Does the gentleman know what year this money was paid?

Mr. CALE. Eighteen hundred and ninety-nine.

Mr. MILLER. It is shown further back in the report, and it seems to me that if the Government of the United States collects money from anybody without any authority of law and puts it into the Treasury of the United States that there ought not be an objection to having it turned back to the people from whom it was illegally collected. There is no question but what the collection was an illegal one, and I think the gentleman from Pittsburg has—

Mr. MANN. Probably has a claim on the calendar, and that will not help it any, either. Here is a man who wants something the Government has—

Mr. MILLER. Which the Government collected from him without authority of law.

Mr. MANN. The man wants something which the Government has and is willing to pay a certain price for it, and he pays the price for it and gets the article, squanders it, uses it, gets the benefit from it, and all the good that the Government had the right to sell him, and then under a decision that the Government had no right to sell to him desired that the Government should pay back the money, although he had the full benefit for which he paid.

Mr. MILLER. At the time he was in possession of the land there was no authority of the Government of the United States to lease this land; none whatever. But the agents—

Mr. MANN. But they did lease it—

Mr. MILLER. But the agents of the Government went there, without authority of law, and said to these people, "You pay \$100 a year for the lease of this land or you get off," and they were forced to pay this money.

Mr. MANN. Oh, the gentleman is mistaken about that.

Mr. MILLER. No; I am not.

Mr. MANN. These people went to the Government. There are a large number of these islands up there. I do not know whether the gentleman has had the pleasure of reading the report of the Government concerning foxes raised up there; but if he has not, I commend it to him as a most interesting subject and a most interesting report. I have read it and—

Mr. CALE. This lease was before the passage of this act.

Mr. MANN. They let the people up there raise foxes now without a lease and without paying rent because of the delinquency of Congress in not providing for a lease.

Mr. CALE. I do not know of any.

Mr. MILLER. Now?

Mr. MANN. Now.

Mr. MILLER. They can not under the law.

Mr. MANN. Why, they are squatters up there; that is what they are, and nobody is interfering with them.

Mr. MILLER. If the Government collects taxes from them, they must pay them; and there is no way to get it back, because it is illegally collected—

Mr. MANN. The Government collected its money for something which it now lets people get without collecting money.

Mr. MILLER. Oh, no.

Mr. MANN. Certainly.

Mr. MILLER. The gentleman is mistaken about that. It never leases those lands without it collects money for them. I call the attention of the gentleman from Illinois to this statement:

As the leases to Edstrom and Petersen, mentioned heretofore, were made subsequent to May 14, 1898, it appears to be held by the Solicitor of the Treasury that the sums paid were collected without authority. The money, however, had in the meantime been covered into the Treasury, from which it could be recovered only through an act of Congress. It would appear that Edstrom and Petersen now desire, through an act of Congress, to recover the \$200 paid by them to the United States through Captain Kilgore.

And afterwards it was determined that they had no right under the law to collect those taxes, but they were paid into the Treasury of the United States, and now the Treasury Department admits that it is in the Treasury without any warrant of law and that the money of this people should be returned to them, and I think we ought to pay it back to them. That is my judgment.

Mr. STEPHENS of Texas. Will the gentleman permit me to ask him a question? I will ask the gentleman from Illinois if there is any difference between raising foxes and raising stock, and if it is not a fact that the stockmen of the United States are using almost 100,000,000 acres without paying anything for it?

Mr. MANN. I will say that I do not believe in that policy. I think they ought to pay something for the use of it.

Mr. STEPHENS of Texas. I strike hands with the gentleman on that proposition.

Mr. CALE. Will the gentleman from Illinois [Mr. MANN] yield for just a moment?

Mr. MANN. I always yield to the distinguished gentleman.

Mr. CALE. The gentleman from Illinois must remember that the fur-bearing business is just in its experimental stage. Nobody who has gone into the business has made a dollar in it, and it is a serious question whether it will ever be a profitable industry or not. These people went there to experiment, and it would take years and years before there would be any return for their investment under the most favorable circumstances. When they initiated this industry there—if I can use that term—they did not know. These are simply poor workmen who have spent their lives in Alaska, and they are miners and prospectors. They took this industry up believing that they could make it a profitable one.

Mr. MANN. Does the gentleman mean to contend that anyone who starts the raising of foxes up there has to invest a considerable capital in the first place?

Mr. CALE. Yes.

Mr. MANN. The gentleman is mistaken.

Mr. CALE. Perhaps I am, but I am telling the gentleman what I know about the facts.

Mr. MANN. I am telling the gentleman what I know about the report of the Government, which passed on all those questions up there and, I think, has given more investigation to it.

Mr. CALE. The gentleman has reference now, I think, to those who went into the business under the protection of the Government. That is true. These men went in on their own hook. They were squatters. They did not know that they would be obliged to pay a license or that a license was necessary. So they were in there some three years, and along came the Government and stated that they must pay a license. They did not know it before. Finally they did pay the license, and then the Government declared—

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. I object.

Mr. CALE. I hope the gentleman will withdraw his objection. If there was ever an honest claim presented to this House this is one of them.

LEASE WITH SENECA NATION OF INDIANS.

The next business on the Private Calendar was the bill (H. R. 19746) to ratify a certain lease with the Seneca Nation of Indians.

Mr. RYAN. Mr. Speaker, that bill, I will state, was passed last winter. In the absence of my colleague, I move that it lie on the table.

The SPEAKER. Has the bill become a law?

Mr. RYAN. Yes, sir.

The SPEAKER. Without objection, it will lie upon the table. There was no objection.

MYRA CLARK GAINES.

The next business on the Private Calendar was the bill (H. R. 6648) for the relief of the heirs of Myra Clark Gaines, deceased. The bill was read in full.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. ROBINSON. Mr. Speaker, I wonder if the gentleman from Illinois [Mr. MANN] will withhold his objection until I can make a brief statement concerning the matter.

Mr. MANN. I will reserve the right to object.

Mr. ROBINSON. This claim originates in two grants made by the Spanish authorities while in possession of the territory in Louisiana in which the lands were embraced. The lands were conveyed to Daniel Clarke by Thomas Urquhart and John Lynde, the grantees, respectively, of the Spanish Government. Both the United States and Spain claimed the territory at that time, the United States claiming it under the treaty of 1803 and the Spanish Government claiming it by virtue of actual occupancy. In 1819 the controversies between Spain and the United States relative to titles in this territory and other terri-

stories in that locality were sought to be adjusted by what is known as the "Treaty of amity, settlements, and limits."

In that treaty is was specially stipulated on the part of the United States that the United States "shall ratify and confirm grants" made by the Spanish authority while in possession of the territory. In the case of Foster and Elma v. Neilson, Second Peters, the Supreme Court of the United States held that the language of the treaty did not of itself ratify these grants, but that it became a political question and required action upon the part of Congress. In 1860 Congress took that action by passing a statute expressly ratifying grants of this character.

Mr. HAMMOND. Will the gentleman cite the decision of the Supreme Court?

Mr. ROBINSON. It is in Second Peters. Congress, as I have stated, passed the statute of 1860 expressly ratifying and confirming these grants and providing a remedy for claimants, or, rather, two courses of procedure, at the election of claimants. One of those permitted the claimant to go before the commissioners at New Orleans and establish their claims and then have relief from Congress. The other provided that they might proceed in any district court of the United States having jurisdiction to establish their claims; and the statute provided the relief they should have, which is the same as that contemplated in this bill.

In the case of Lynde v. the United States, reported in Eleventh Wallace, these grants were expressly confirmed, and in case No. 622, in which there was an oral opinion, 10,000 arpents of the 50,000 granted to Urquhart were segregated and confirmed to Caleb Cushing, a very prominent lawyer, for his services rendered Mrs. Myra Clark Gaines. In the meantime almost endless litigation had arisen, involving the legitimacy of Mrs. Myra Clark Gaines. That question was finally determined in her favor by the United States Supreme Court in Twenty-fourth Howard, in Gaines v. Hennen, in which the court expressly held that she was the legitimate heir of Daniel Clarke. Subsequently Mrs. Myra Clark Gaines filed her claim before the commissioners at New Orleans.

The commissioners there found in her favor, but the Commissioner of the General Land Office, Mr. Drummond, rejected their report, for the reason that they had not certified to him certain documentary evidences. Subsequently, upon a hearing before a committee in Congress, it was made manifest that that evidence was actually supplied to the commissioners at New Orleans when they passed upon the matter; and Mr. Drummond said if the evidence had been before him at the time when he had jurisdiction of it and passed upon it he would probably have approved the claim.

The Congress of the United States has had consideration of this matter for a great many years. The claim originated in grants made in 1803 and 1806, when the original Spanish grants were made. The claim has been favorably reported by committees of this House many times, and at one time passed the House of Representatives. It has never been unfavorably reported but once, and that action was taken by the Senate committee on the theory solely that Mrs. Myra Clark Gaines had not brought her claim within the statute of limitations fixed by the statute of 1860. It appears perfectly clear, however, from a careful investigation of the record, that she did bring her claim within the statute. The act of 1860 was rendered inoperative by the civil war, the limitation fixed in that act being five years. But Congress in 1867 extended the limitation three years, and before the expiration of the limitation fixed in the act of 1867 she filed her proof and secured the action that I have already detailed by the commissioners at New Orleans.

The case presents this peculiar aspect: That there seems to be upon the part of no one investigating this claim or who has ever considered it any reasonable doubt as to its validity. It has been before Congress from almost time immemorial. So far as the Government of the United States is concerned, its history is almost coextensive with it. I submit to this House that the time has come when some final action ought to be taken in this matter. I have no further statement, unless some gentleman of the House wishes further information upon the matter. The records I have referred to are, of course, voluminous. The decisions of the Supreme Court, which I have attempted to give the gist of, are very lengthy. The whole question is presented here, and the claim seems to be manifestly just by the unanimous reports by the committees of this House, and no question as to its validity seems ever to have been raised.

In my judgment there is no fair question of laches in the case, because the representatives of the claimant have been constantly and persistently pressing the claim for many, many years. I submit, in view of these considerations, that the claim ought to be approved. [Applause.]

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

JULIUS A. KAISER.

The next business on the Private Calendar was the bill (H. R. 12707) for the relief of Julius A. Kaiser.

The bill was read.

The SPEAKER. Is there objection?

Mr. SABATH and Mr. MANN objected.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

CHICAGO, PEORIA AND ST. LOUIS RAILWAY COMPANY OF ILLINOIS.

The next business on the Private Calendar was the bill (S. 60) for the relief of the Chicago, Peoria and St. Louis Railway Company of Illinois.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to the Chicago, Peoria and St. Louis Railway Company of Illinois \$2,835.45, being the amount of internal-revenue tax on certain high wines erroneously appropriated by the Navy Department at Indianhead.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, I should like to ask the gentleman what this claim is for?

Mr. MILLER. The Standard Distilling and Distributing Company, a distillery at Pekin, Ill., on August 27, 1902, delivered to the Chicago, Peoria and St. Louis Railway Company 84 barrels of alcohol for shipment to the National Distributing Company, of New York, for which alcohol they had paid a certain amount of tax. But there was a mistake made in the shipping bill, and 30 barrels of this alcohol were unloaded at Indianhead, Md., and used by the Government of the United States; and for that reason this company asks that the amount paid by them on this shipment be refunded to them, the alcohol having been used by the Government of the United States.

Mr. SABATH. What was it used for by the Government?

Mr. MANN. Smokeless powder.

Mr. MILLER. For making smokeless powder. There is no question about it being used by the Government of the United States. It was simply unloaded at the wrong place. It should have been shipped to the National Distributing Company, of New York, but was waybilled in error by the agent of the railway company, and 30 barrels of it were unloaded at Indianhead, and there used for the purpose of making powder by the Government of the United States; and being so used, it was not subject to taxation.

Mr. SABATH. Why did not the Government pay this bill?

Mr. MANN. If the gentleman will permit me, where the Government buys alcohol for use in making powder, there is no internal-revenue tax levied against that alcohol.

In this case the internal-revenue tax had been paid by the company that shipped the alcohol. The railroad company inadvertently delivered the alcohol to the Government instead of to the real consignee. The Government accepted the alcohol and used it and paid for it. Now, if the Government had purchased the alcohol in the market, the tax would have been relinquished, but this tax had been paid on this alcohol. The Government made use of it, just as though it had purchased it at the ordinary price.

Mr. SHACKLEFORD. Did the Government pay the same price for the alcohol that would have been paid if it had been received by a private party?

Mr. MANN. The Government paid the same price that it was paying for the other alcohol purchased by it.

Mr. EDWARDS of Georgia. Government rates.

Mr. SHACKLEFORD. The owner of the alcohol lost the difference, then?

Mr. MACON. Is this claim for the difference between the amount the Government paid for it and the tax upon it at that time?

Mr. MANN. The claim is simply to refund the tax which was paid. If the Government had purchased the alcohol in the regular way, there would have been no tax upon it.

Mr. SHACKLEFORD. My question was whether the price received was the price of the alcohol plus the revenue that the distiller had paid.

Mr. MANN. When the Government paid for the alcohol, it only paid the price which it ordinarily paid, which is a smaller price, because of the fact that the alcohol purchased by the Government for this purpose does not pay the internal-revenue tax.

Mr. MACON. This is simply for the difference between the amount the Government paid for it and that the railroad company had to pay, is it not?

Mr. MANN. Yes.

Mr. CLARK of Missouri. Will the gentleman allow a question?

Mr. MANN. Yes.

Mr. CLARK of Missouri. How did the railroad company get mixed up in this?

Mr. MANN. Because the railroad by inadvertence delivered the alcohol to the wrong consignee, and the consignor held the railroad company responsible for it, and the railroad company paid.

Mr. CLARK of Missouri. But a railroad company does not pay the revenue tax on the alcohol that it ships.

Mr. MANN. No.

Mr. CLARK of Missouri. How did they happen to be paying it in this case? I thought the distiller paid it.

Mr. MANN. The distiller did pay it.

Mr. CLARK of Missouri. Then the distiller ought to have it back.

Mr. MANN. He got it back from the railroad company.

Mr. CLARK of Missouri. How did he get it back from the railroad company?

Mr. MANN. Because the railroad company had delivered it to the wrong consignee, and thereby the consignor received from the Government, not the price of the alcohol plus the internal-revenue tax, but only the price of the alcohol without regard to the internal-revenue tax, and he made a claim against the railroad company for the difference, and the railroad company paid it.

Mr. CLARK of Missouri. Of course everybody that knows very much knows that alcohol used by the Government for making powder does not pay any revenue tax.

Mr. MANN. It does not. In this case the revenue tax was paid to the Government, and this is for the refund of it.

Mr. MACON. I would like to ask if this is not practically making the Government pay the internal-revenue tax on the alcohol?

Mr. MANN. Not at all. The Government has already received the money for the internal-revenue tax and also used the alcohol.

Mr. MACON. And this is to refund the tax?

Mr. MANN. Yes.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

SIMON LONGNECKER AND ALBERT LONGNECKER.

The next business on the Private Calendar was the bill (H. R. 18831) for the relief of Simon Longnecker, of El Paso, Tex., and Albert Longnecker, of Galveston, Tex.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Simon Longnecker, of El Paso, Tex., and Albert Longnecker, of Galveston, Tex., out of any money in the Treasury not otherwise appropriated, the sum of \$1,550, as rent of the city stable in Lavaca, Tex., from the 9th day of July, 1865, to December 14, 1865, as found and determined by a board of survey appointed and assembled for the purpose of investigating and adjusting claims against the United States Government by citizens of Lavaca, Tex., which board of survey met and adjusted said claim on December 14, 1865, and adjudicated said claim in favor of William Longnecker, then a citizen of Lavaca, Tex., but who has since then died, leaving Simon Longnecker and Albert Longnecker his only heirs at law.

With the following committee amendments:

Amend by inserting therein, after the words "Galveston, Tex.," in line 5, the words "only heirs at law of William Longnecker, of Lavaca, Tex., deceased."

That said bill be further amended by striking out all of said bill after the word "of," in line 7, and inserting in lieu thereof the words "\$375 for the rent, use, and occupancy of the city stable in Lavaca, Tex., owned by the said William Longnecker, deceased, from August 16, 1865, to August 31, 1866, which sum shall be in full satisfaction and discharge of all claims for the rent, use, and occupancy of the aforesaid stable."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES S. CLARK.

The next bill on the Private Calendar was the bill (H. R. 7098) for the relief of James S. Clark.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James S. Clark, of Fayette County, Ky., the sum of \$1,886, in full compensation for personal property taken and used and damages done in the use and occupation of real estate, all belonging to the said James S. Clark, by the Army of the United States during the Spanish-American war, in the months of August, September, October, November, and December, 1898, in and about the establishment and maintenance of a military camp at Camp Hamilton, in said county and State.

With the following amendments:

Amend by inserting after the word "to," in line 5, the words "the legal representatives of." Strike out, in lines 6 and 7, the words "one thousand eight hundred and eighty-six" and insert in lieu thereof the words "two hundred and fifty."

Amend the title so as to read: "A bill for the relief of the legal representatives of James S. Clark, deceased."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

RACHEL PARKER.

The next business on the Private Calendar was the bill (H. R. 19275) for the relief of Rachel Parker.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Rachel Parker, widow of Wilson Parker, deceased, late of Company G, Forty-sixth Regiment U. S. Colored Troops, out of any money in the Treasury not otherwise appropriated, the sum of \$865.67, it being for pay of soldier, bounty, clothing, pay and travel allowances due to the said Wilson Parker at the date of his muster out of service, to wit, February 16, 1866.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Vermont if he personally is fully satisfied that this claim ought to be paid?

Mr. HASKINS. I sent to the War Department and to the Treasury Department and procured every paper that bore upon the case and made a personal examination of it. I sat up two nights making the examination, and became thoroughly convinced of the justice of this claim, and that the pay roll was a fabrication. It is clearly so, otherwise I would not have reported it.

Mr. MANN. I have read the gentleman's report with a good deal of care. It looked to me very much as if this man enlisted, was immediately captured, taken to southern Texas, and there went to work for anybody that would give him employment. Meanwhile, somebody did take the money that would be due him if he had served, his name being still carried on the pay roll. I say frankly that while it did not seem very strong to me, I would take the opinion of the gentleman from Vermont upon the matter.

Mr. MACON. Let me ask the gentleman, Is this an attempt to pay this money a second time?

Mr. MANN. These are the facts, briefly stated: A colored man, a slave, I suppose, did enlist in the army, was shortly thereafter captured and taken to Texas. Some years after that—

Mr. MACON. He did not serve in the army?

Mr. MANN. He was a prisoner. Some time after that somebody signed for the money in his name on the pay roll and obtained it.

Mr. MACON. Was he entitled to the money at all?

Mr. MANN. The War Department says he was. He was still carried on the pay roll because he was a prisoner.

Mr. MACON. Does the gentleman state that anyone can be entitled to compensation for services at the hands of the Government when he was not in the service?

Mr. MANN. I think it is the custom, and it was the practice during the war, where a man was captured as a prisoner, to pay him as though he was in the active service.

Mr. MACON. What amount does this bill carry?

Mr. MANN. Eight hundred and sixty-five dollars and sixty-seven cents.

Mr. MACON. The gentleman from Illinois says that he was working down in Texas for whoever would employ him.

Mr. MANN. I did not make that statement as a fact; that is not the evidence.

Mr. HASKINS. I want to say that that \$865 includes \$200 bounty that was due him. While he was captured the evidence shows that he was placed in slavery on a plantation with Captain Stone of the Texas cavalry that captured him, and that he remained there until his death, from the time he enlisted up to the time he died.

The evidence in the War Department that was filed there in behalf of this man's pay and bounty showed conclusively these facts, and the War Department refused to make the allowance for the reason of that invariable rule which prevails in the department that they will not go back on their own records, but referred the man to Congress for relief.

Mr. MACON. Mr. Speaker, I do not think that this claim ought to have been paid in the first instance. I do not think the claimant was entitled to any compensation, under the statement made by the gentleman from Illinois [Mr. MANN], and certainly I do not think the Government ought to pay a claim

twice when the claimant was not entitled to it in the first instance, and I therefore object.

Mr. MANN. I hope the gentleman will receive the statement of the gentleman from Vermont [Mr. HASKINS] as to the facts, and not lay that blame upon me. I do not want to be responsible for the statement of facts.

Mr. HASKINS. Why does the gentleman from Arkansas say that he was not entitled to anything in the first instance?

Mr. MACON. Because he never served as a soldier.

Mr. HASKINS. Oh, he was regularly enlisted and served as a soldier.

Mr. MACON. He did not even serve ninety days.

Mr. HASKINS. And then was captured by the Confederate cavalry under command of Captain Stone, of Texas, taken into the State of Texas, and put on Captain Stone's plantation, where he continued to work.

Mr. ADAIR. Would he be entitled to a bounty under the law?

Mr. HASKINS. Yes; \$200 bounty under two different acts of Congress.

Mr. ADAIR. And \$100 is the part asked for in this bill?

Mr. HASKINS. Two hundred dollars.

Mr. MACON. I want to understand further. How long is it proposed to pay him for?

Mr. HASKINS. For the time that the pay roll shows he was mustered out.

Mr. MACON. How long was that?

Mr. HASKINS. He was taken prisoner of war in 1863.

Mr. MANN. Up to 1867.

Mr. MACON. The war was practically ended on the 9th of April, 1865.

Mr. HASKINS. From 1863 to 1866.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be read a third time, read the third time, and passed.

Mr. HASKINS. Mr. Speaker, I ask unanimous consent to offer an amendment to the bill which has just been passed. I want to amend by unanimous consent by striking out the words "Rachel Parker" and inserting in lieu thereof "the legal representative."

The SPEAKER. Is there objection to the request of the gentleman from Vermont to offer an amendment at this time?

There was no objection.

The SPEAKER. The Clerk will report the amendment, and the order passing the bill will be vacated.

The Clerk read as follows:

Strike out, in line 4, the words "Rachel Parker, widow," and insert in lieu thereof the words "legal representative."

Also amend the title.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, read the third time, and passed.

The title was amended.

JAMES H. DE COSTER.

The next business was the bill (H. R. 5728) for the relief of James H. De Coster.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse, out of any money in the Treasury not otherwise appropriated, the sum of \$476.31 to James H. De Coster, postmaster at Mechanic Falls, Androscoggin County, Me., for postage stamps, specie, money-order specie, 1 registered letter, and 1 registered package stolen from the post-office at Mechanic Falls aforesaid on May 30, 1900.

With the following amendments:

Page 1, line 6, strike out the word "seventy-six" and insert in place thereof "sixty-five."

Page 1, line 6, strike out the word "thirty-one" and insert in place thereof "ninety-five," so that the total amount will read "\$465.95."

Page 1, lines 8 and 9, strike out the words "specie, money-order specie, one registered letter, and one registered package," and insert in place thereof "post-office funds."

Page 1, at the end of line 11, insert the words "and charged to James H. De Coster and paid for by him in his settlement with the Post-Office Department."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, read the third time, and passed.

MERCHANTS' NATIONAL BANK, POUGHKEEPSIE, N. Y.

The next business was the bill (H. R. 14236) for the relief of The Merchants' National Bank of Poughkeepsie, N. Y.

The SPEAKER. This is a bill with a committee amendment which strikes out a preamble and all after the enacting clause and substitutes a new text therefor. Without objection, the Clerk will read the substitute in the nature of an amendment. There was no objection, and the Clerk read the substitute, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to redeem a certain duplicate United States bond issued in place of a certain United States bond, No. 10307, for \$10,000, under act of July 14, 1870 (consols of 1907), inscribed in the name of the Dutchess County Mutual Insurance Company and assigned in blank and lost or destroyed on or about the 24th day of July, 1888, which said duplicate bond is registered in the name of the Merchants' National Bank of Poughkeepsie, N. Y.

Sec. 2. That the Secretary of the Treasury is authorized and directed to pay in full redemption and satisfaction of said bond and duplicate to the Merchants' National Bank of Poughkeepsie, N. Y., out of any moneys not otherwise appropriated, forthwith, the sum of \$10,000, together with interest, if any, accrued thereon at 4 per cent per annum to the 1st day of July, 1907, the date when said bond was called for redemption and payment: *Provided, however*, That the indemnity bond executed and filed by the Merchants' National Bank of Poughkeepsie, N. Y., pursuant to the terms of said act of Congress passed the 21st day of May, 1888, shall remain as a continuing liability to secure the United States from any loss, cost, damages, or claims made on account of said original bond.

Sec. 3. That is act shall take effect immediately upon passage and approval of same.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I want to ask a question or two. Was this a registered bond or a coupon bond?

Mr. WALDO. It was a registered bond. A duplicate bond was issued, and under the terms of the act that duplicate bond is in the Treasury, and it can not be paid without the passage of an enabling act, although it has already been called in for redemption.

Mr. CLARK of Missouri. When was this bond destroyed?

Mr. WALDO. In 1880, if I recollect.

Mr. CLARK of Missouri. Have they been drawing interest on it ever since?

Mr. WALDO. The interest has never been paid.

Mr. CLARK of Missouri. I thought the bill provided that interest should be paid at the rate of 4 per cent from 1898.

Mr. WALDO. Possibly I may be mistaken about that, but I know that there is some accrued interest for several years that has not been paid. Whatever it is, the records of the Government show. This bill provides only for the payment of such interest as has not been paid.

Mr. CLARK of Missouri. What kind of a bond do they get.

Mr. WALDO. The bond is a bond given by this bank with sureties. I have never seen the bond which the department now has under the former bill. This provides that the bond shall continue.

Mr. CLARK of Missouri. The average bond is not worth a straw after four years.

Mr. WALDO. The bond specified is good; there is no doubt about that.

Mr. CLARK of Missouri. It is good, maybe it will be good for four years.

Mr. WALDO. Here is a registered bond, and it is almost impossible that a bond registered in the name of this bank should come into the hands of anybody else by which any liability could accrue against the Government.

Mr. CLARK of Missouri. The history of the probate court shows that the average bond is of no account at all after the end of four years.

Mr. WALDO. That may be true, but this bond is good.

Mr. MANN. May I call the attention of the gentleman from Missouri to the fact that the bill does not provide for the payment of 4 per cent interest except to the date of when they made the call for redemption, 1897. It does not provide for payment of interest since that time.

Mr. CLARK of Missouri. What I asked him was, and what he did not know was, whether they drew interest on this registered bond from the time they allege it was lost up to 1897, when it was called in for redemption.

Mr. WALDO. My understanding is they have now. I have forgotten it; I have not looked it up for some time.

Mr. ADAIR. Does this bill provide interest since the call for redemption?

Mr. WALDO. No, sir; up to the call, which had not been paid.

Mr. MANN. Probably the last six months' interest was due.

Mr. CLARK of Missouri. This bond was lost a great many years, some thirty years ago, and they never said a word about the bond being lost, but went on and drew interest on the bond until it was called for redemption.

Mr. WALDO. Oh, no; the original bill was passed—

Mr. MANN. This bond was lost, as shown here, somewhere about 1888, and thereupon they secured an act of Congress—

Mr. WALDO. Yes.

Mr. MANN. Authorizing the issuance of a duplicate bond. That duplicate bond was issued, and as an additional security to the Government, besides taking the ordinary form of bond, the original duplicate \$10,000 bond was retained in the hands of the United States Treasurer. That came due in 1897, and it can not be paid because the Government is holding it for security for the loss of the original bond, lost a great many years ago.

Mr. CLARK of Missouri. That is all as clear as mud.

Mr. ADAIR. If the original bond should be found, it could not be used by anybody, as it is a registered bond.

Mr. WALDO. No; or in payment of a demand by anybody.

Mr. MANN. I am not so sure about that.

Mr. ADAIR. Let me ask the gentleman, what is the purpose of a registered bond if it is not for the purpose of protecting the owner of the bond?

Mr. MANN. There is that protection to a certain degree, but not absolutely.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I would like to call the attention of the gentleman to the language of the bill where they refer to the terms of "said" act, line 23, page 3, no act having been referred to previously. I suppose they thought or figured that upon the "whereas." I move to strike out the word "said" in line 23, page 3, and insert the word "the."

Mr. MILLER. There is no objection to the amendment offered by the gentleman from Illinois.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 23, strike out the word "said" and insert the word "the."

Mr. MANN. Now, may I ask the gentleman whether he thinks it is possible for Congress by a law to change the obligation of the bond first given in this case?

Mr. WALDO. My view, when we first drew that substitute, was that it should provide, without any question, that the bank must remain responsible on the bond. It probably would in any event without that provision; but that if the Solicitor of the Treasury had any doubt as to the continuance of the liability of the sureties, he would take the proper course which would compel them to remain liable.

Mr. MANN. Well, the Solicitor of the Treasury has no option in the matter. We say in the law what he shall do. Now, here is the situation: Originally there was a bond lost. Congress provided for the issuance of a new bond and provided for two methods of securing protection to the Government. One was by retaining the bond itself—that is, the registered bond—and the other by having the parties give an indemnity bond. Now, can we give up half of that security and then hold the sureties on the indemnity bond?

Mr. WALDO. Let me say to the gentleman, in the first place, that I think in the case of the loss of a registered bond the Government is under no risk to pay to the registered owner of the bond. That is the first proposition. That is the purpose of the register. Now, in the next place, in order that the security that had been taken under the act of 1808 might continue, that provision was put in there. My own view of it is, and I think that is what the gentleman himself would do if he was the treasurer, if he had any question about it, would be to take the statement from the bank and from the sureties on the bond that they recognized the obligation imposed by this proposed law. There is no question but what they could do that. My own view of it is that it is an excess of precaution to take that step at all.

Mr. MANN. Of course, I do not know whether this was a registered bond, unless the gentleman knows it personally.

Mr. WALDO. The records show that. The report of the department shows it, too.

Mr. MANN. The report of the committee does not show it. If there is no liability on the loss of a registered bond, why do the department and Congress require not only the retention of the new bond that was issued, but also the giving of an indemnity bond?

Mr. WALDO. I presume the purpose was to save any question that might arise on the floor here, and it was for that purpose that I left that obligation in the amendment.

Mr. MANN. I am not talking about the gentleman's obligation. I am asking him in reference to the original act requiring both forms of suretyship.

Mr. WALDO. Of course, I was not in Congress at that time, and can not state exactly what was in their minds; but I pre-

sume that through excess of caution, as I have stated, they put in that provision. That is the only explanation that I can make of it.

Mr. MANN. Is the gentleman prepared to say to Congress now, in connection with his own bill, that there can be no loss to the Government where a registered bond is lost?

Mr. WALDO. Not if the payment is made to the registered owner. That is my understanding of it.

Mr. MANN. It can not be made to the registered owner if the bond is lost.

Mr. WALDO. Certainly it can. The registry continues whether the bond is lost or not.

Mr. MANN. The Government never pays a registered bond without the protection of a bond.

Mr. WALDO. The provision of law for the registry of a bond was made—and the register of a bond, when it is done voluntarily, is done—for the express purpose of prohibiting anybody getting the money except the registered owner, and so the bank will be secure in paying to the registered owner.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 23, page 3, strike out the word "said" and insert the word "the" before the word "act."

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

BENJAMIN F. CURRY.

The next business on the Private Calendar was the bill (H. R. 17171) for the relief of Benjamin F. Curry.

The bill was read as follows:

A bill (H. R. 17171) for the relief of Benjamin F. Curry.

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to allow on the accounts of Benjamin F. Curry, postmaster at Hamlin, W. Va., a credit of \$198.50, for money stolen from said post-office by burglars December 27, 1905.

Also the following committee amendments:

Page 1, line 6, strike out the words "ninety-eight" and insert in lieu thereof the words "eighty-nine."

Page 1, line 6, strike out the word "fifty" and insert in lieu thereof the words "ninety-nine."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

PETER M'ENERY.

The next business on the Private Calendar was the bill (H. R. 16696) for the relief of the estate of Peter McEnery, deceased.

The Clerk read the bill, as follows:

A bill (H. R. 16696) for the relief of the estate of Peter McEnery, deceased.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Peter McEnery, deceased, late of Petersburg, Va., the sum of \$97.80, for rent of storehouses used by the military authorities of the United States from April 6 to May 26, 1865.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN O. KINNEY.

The next business on the Private Calendar was the bill (H. R. 13244) to place upon the muster-in rolls the name of John O. Kinney.

The bill was read in full.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, reserving the right to object, I would like to have the gentleman in charge of the bill tell us why this man should be put on the roll.

Mr. TIRRELL. Mr. Speaker, I wish to offer an amendment to this bill by striking out on the second page, third line, the word "November" and inserting the word "January;" and in the fourth line strike out the word "two" and insert in place thereof the word "three."

Mr. MACON. I reserve the right to object.

The SPEAKER. Will the gentleman from Massachusetts please restate his amendment?

Mr. TIRRELL. My amendment is as follows: Strike out the word "November," in line 3, on the second page, and insert in lieu thereof the word "January;" and in the fourth line strike out the word "two" and insert in lieu thereof the word "three."

The Clerk read as follows:

On page 2, line 3, strike out the word "November" and insert the word "January;" in line 4 strike out "two" and insert "three."

The SPEAKER. Is there objection?

Mr. MACON. I reserve the right to object.

Mr. MANN. May I ask the gentleman a question? This is the third attempt to get the date right. Is the gentleman sure it is now right?

Mr. TIRRELL. Well, I will state the record, but it will take some little time.

Mr. MANN. Is the gentleman sure the date is now right?

Mr. TIRRELL. Yes; it is.

Mr. MANN. The gentleman introduced the bill with one date, the committee passed upon that date and proposed an amendment, and now the gentleman proposes an amendment to that amendment. Now, is he sure the date is right?

Mr. TIRRELL. I am sure.

Mr. MACON. I wanted an explanation as to why he should be put on the roll.

Mr. TIRRELL. On the 3d day of September, 1862, a military company was organized in the town of Winchendon, Mass., and from there they were taken to Camp Stevens, at Groton Junction, Mass.

Mr. HEPBURN. Mr. Speaker, I desire to know if this bill is now being considered?

The SPEAKER. No; it is not. Consent for its consideration has not been given.

Mr. HEPBURN. Then, Mr. Speaker, I desire to make the point of order against the gentleman who has reserved the right to object. I submit, sir, that under the order that can not be done.

The SPEAKER. Not if anybody objects. Does the gentleman from Iowa object? That would be objecting to the consideration.

Mr. MACON. I will meet the objection of the gentleman from Iowa by objecting to the consideration of the bill.

Mr. HEPBURN. That is all I want; one way or the other. I am against this very grotesque performance—

Mr. MANN. That is no more in order than the other.

Mr. HEPBURN (continuing). Of reserving the right to object, then consuming time in explanations, and then objecting.

Mr. MANN. That is six of one and half a dozen of the other.

Mr. MACON. If the Chair will indulge me.

The SPEAKER. By unanimous consent.

Mr. MACON. I will say to the gentleman from Iowa that my sole purpose in reserving the right to object is to put myself in a position to object intelligently, and that I can not do without explanation. If the gentleman wants to prevent an opportunity for intelligent objection, I will say another kind of objection will be made, for I will not sit in my seat and allow bills to go through without knowing something about them. It is for the sole purpose of voting intelligently upon these matters that I have reserved the right to object.

Mr. HEPBURN. I have not the slightest desire to control the gentleman in the matter. He may vote unintelligently if he desires to. [Laughter.]

The SPEAKER. The Chair will state again to the House, if the Chair may be indulged, that a practice has grown up touching unanimous consent, by unanimous consent for brief questions and answers; but if objection is made, of course that is a withdrawal of unanimous consent. Objection is heard, and the Clerk will report the next bill.

COURT OF CLAIMS.

The next business on the Private Calendar was the resolution (H. Res. 369) referring certain claims to the Court of Claims.

Mr. MANN. Mr. Speaker, to save time, for the present I shall object.

HARTSHORNE, OKLA.

The next business on the Private Calendar was the bill (S. 4289) for the relief of the people of Hartshorne, Okla.

The title of the bill was read.

Mr. CARTER. Mr. Speaker, to save the time of the House I will state that this matter was incorporated in what is known as the "Indian omnibus bill," section 14, and I ask unanimous consent that it be laid on the table.

The SPEAKER. Without objection, the bill will be laid on the table.

There was no objection.

ROBERT MORGAN GILSON.

The next business on the Private Calendar was the bill (S. 3952) to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson.

The bill was read.

Mr. MACON. Mr. Speaker, I object.

NEBRASKA MUTUAL LIFE INSURANCE COMPANY.

The next business on the Private Calendar was the bill (H. R. 5573) for the relief of the Nebraska Mutual Life Insurance Company, of Stromsburg, Nebr.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

RICHARD HALEY AND FAMILY.

The next business on the Private Calendar was the bill (H. R. 10714) authorizing the Secretary of the Interior to enroll Richard Haley and his family as Choctaw Indians.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MACON and Mr. EDWARDS of Georgia objected.

CERTAIN SHAWNEE INDIANS.

The next business on the Private Calendar was the bill (H. R. 17191) to confer jurisdiction, legal and equitable, upon the Court of Claims in the matter of the claims of certain Shawnee Indians to be enrolled as Cherokees, under treaty of July 19, 1866, agreement of June 7, 1869, the act of October 1, 1890, and decrees of the courts thereunder, and for other purposes.

The bill was read.

The SPEAKER. Is there objection?

Mr. CARTER. I object.

ROBERT S. DAME AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 21895) for the relief of Robert S. Dame and others, and for other purposes.

The Clerk began the reading of the bill.

Mr. MANN. Mr. Speaker, this is a long omnibus bill. It has a lot of items in it which I think are improper and, to save time, I shall object.

VELVIA TUCKER.

The next business on the Private Calendar was the bill (H. R. 8448) to pay Velvia Tucker arrears of pension due her father, William N. Tucker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Velvia Tucker, daughter of William N. Tucker, late of Captain Brown's company B, Second New York Heavy Artillery, \$70, the arrears of pension due said soldier at date of death.

Mr. MANN. Reserving the right to object, I should like to ask how the Committee on War Claims got jurisdiction of a bill of this kind?

Mr. HAUGEN. The bill provides for the payment of \$70 to Velvia Tucker, only daughter of a soldier, William N. Tucker, who died some ten years ago. This lady was the only child left to take care of her father, and she performed that duty faithfully.

Mr. MANN. The gentleman is not answering the question I asked. Under what theory did this bill go to the Committee on War Claims?

Mr. HOLLIDAY. This is a claim growing out of the civil war. The Committee on Pensions could not adjudicate it.

Mr. MANN. The Committee on Claims could adjudicate it. This does not grow out of the civil war at all. It grows out of the act of Congress providing for pensions; but if the gentleman believes it belongs to the Committee on War Claims, I shall not make any point of order on it. I think, however, this is one of the cases where gentlemen find it convenient to refer claim bills to their own committees.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

JOSEPH SWISHER.

The next business on the Private Calendar was the bill (H. R. 9617) for the relief of Joseph Swisher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph Swisher, out of any moneys in the Treasury not otherwise appropriated, the sum of \$100.87, said sum being the amount withheld for tools lost in battle in the settlement of the account of said Joseph Swisher as captain in the One hundred and thirteenth Regiment Ohio Volunteer Infantry, and quartermaster of the Second Brigade, Second Division, Fourteenth Army Corps.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

JOHN T. FREEMAN.

The next business on the Private Calendar was the bill (H. R. 21571) for the relief of John T. Freeman.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$447.81 to John T. Freeman, chief musician, Seventh Artillery Band, U. S. Army, in full payment on account of articles, the property of said Freeman, destroyed by fire at Fort Slocum, N. Y., March 30, 1899, as found due and recommended by a board of survey appointed by the Secretary of War.

Mr. MACON. Not being allowed to make an inquiry about the bill, I will object.

Mr. SHERMAN. The gentleman is allowed to make inquiry.

Mr. BARTLETT of Georgia. How can the gentleman be prevented from making an inquiry?

The SPEAKER. The gentleman is not at this time prevented from making inquiry. Unless there is objection, he can inquire.

Mr. MACON. Then, Mr. Speaker, I will reserve the right to object, for the purpose of having the gentleman in charge of the bill explain its merits. If it is meritorious, I want it to pass.

Mr. HASKINS. I made the report on the bill.

The SPEAKER. Does the gentleman yield to the gentleman from Arkansas?

Mr. HASKINS. I yield.

Mr. MACON. I want the gentleman to explain the merits of the bill. If it is meritorious I want it to pass.

Mr. MANN. I will say to the gentleman that I think the bill is meritorious. This man had furniture in an administration building that was burned. This follows the custom that we have followed for years, of paying a man for furniture so destroyed. It occurred without fault of his.

Mr. MACON. I want to know why it was there.

Mr. MANN. He was an officer of the army.

Mr. MACON. The gentleman does not insist that it is proper for the Government to pay for all property that it may be housing without expense to officers, does he?

Mr. MANN. I will say to the gentleman that for many years Congress has followed the practice of passing these bills that came before it—whether a right practice or not—where the army officer had some of his personal belongings in a building or vessel owned by the Government, and the building burned, or the vessel burned, the Government reimbursed him for the actual loss of the property. We have passed a number of bills of that kind at this session of Congress.

Mr. MACON. I think I objected to some of that very character two weeks ago, and to be consistent I will have to object to this.

Mr. MANN. The gentleman may have objected to those bills, but the bills were passed.

Mr. BONYNGE. I will say to the gentleman from Arkansas that it was a bill of mine that he objected to, and afterwards he withdrew his objection.

Mr. MACON. Then in order to be consistent, Mr. Speaker, I will have to withdraw this objection. [Laughter.]

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM F. SMITHEY.

The next business on the Private Calendar was House resolution 421 (in lieu of H. R. 21781), referring to the Court of Claims the claim of William F. Smithey.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 21781) for the relief of William F. Smithey, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

Mr. MACON. Mr. Speaker, I would like to have an explanation of that.

Mr. GAINES of Tennessee. I reserve the right to object.

Mr. CLARK of Missouri. This is a claim of \$200 or \$300 for feed taken during the war. It is to be referred to the Court of Claims—this one and the next one right under it. It is supported by affidavit as to the value of the property and the loyalty of the claimant.

Mr. GAINES of Tennessee. Mr. Speaker, I submit that we are having an object lesson here to-day which I have had in mind for a long time, which shows when you get down to dealing squarely with the people of the country under the rules of this House, we do not do it. I submit to this House whether it is right, whoever the gentleman is, whether myself or any other gentleman, by simply rising and saying "I object," and thereby defeat the consideration of a claim and stifle the voice of some unfortunate man, woman, or child somewhere in the United States. There should be some other rule by which the people can have their claims considered and paid by this House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

JOSEPH S. MUSTER.

The next business on the Private Calendar was the House resolution 422 (in lieu of H. R. 21782), referring to the Court of Claims the claim of Joseph S. Muster.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 21782) for the relief of Joseph S. Muster, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

GEORGE W. WICKES.

The next bill on the Private Calendar was the bill (H. R. 18639) for the relief of George W. Wickes.

The Clerk read the bill.

Mr. MACON. I object.

WILLIAM PARKER SEDGWICK.

The next business on the Private Calendar was the bill (H. R. 22017) for the relief of William Parker Sedgwick and others, and for other purposes.

The Clerk read the bill.

Mr. MANN. To save time, Mr. Speaker, as this is an omnibus bill, I object.

Mr. BUTLER. Mr. Speaker, that bill was passed six weeks ago.

Mr. MANN. It was passed at the last session of Congress in another bill.

The SPEAKER. Has this bill been enacted into law?

Mr. BUTLER. I will ask, Mr. Speaker, that the bill lie on the table.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

LEVI J. BILLINGS.

The next business on the Private Calendar was the bill (H. R. 8739) for relief of Levi J. Billings.

The Clerk read the bill.

Mr. MACON. Mr. Speaker, reserving the right to object, I would like to hear some explanation.

Mr. MORSE. Mr. Speaker, let me explain that bill. This is a bill for the relief of a soldier who was serving in the war at Corinth just prior to the battle. He was promoted to second lieutenant. He did not receive his commission at that time. He was promoted to a lieutenant in another regiment and he had to go back to Wisconsin and receive his commission and join the other company. Now, he did not receive his pay as a private, neither did he receive his pay as a lieutenant during this time. His pay as a private ceased on his appointment as a second lieutenant, but on account of the fact that he did not join his company at once, on account of the fact that he was not cowardly, but stayed at the front, he did not receive his pay as a lieutenant.

Mr. MACON. Was there not a law authorizing the pay of lieutenants then?

Mr. MORSE. Certainly, there was.

Mr. ANSBERRY. He did not have his commission.

Mr. MORSE. He had not accepted his commission.

Mr. MACON. Then the gentleman wants him to be paid for services before he accepted the commission?

Mr. MORSE. No; I do not want him to be paid—

Mr. MACON. Or before he performed the services?

Mr. MORSE. No—yes, in a sense; before he performed them.

Mr. MACON. That is it.

Mr. MORSE. Well, he was serving and did not receive a penny for that service, and then he was in the hospital for part of that time.

Mr. MACON. Why does not the gentleman try to pass a bill to pay him for his services as a private instead of a lieutenant?

Mr. MORSE. Because he had been appointed a lieutenant.

Mr. MANN. Mr. Speaker, to save time, I object.

The SPEAKER. Objection is heard.

MARY S. FERGUSON.

The next business was the bill (S. 6529) for the relief of Mary S. Ferguson.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MACON. I object.

Mr. COOPER of Wisconsin. Will the gentleman not reserve his objection?

Mr. MACON. Oh, yes; I reserve the objection.

Mr. COOPER of Wisconsin. Mr. Speaker, I think that the objection which the gentleman from Arkansas proposes to make is owing to his belief that the services rendered by Arthur Fergusson in the Philippines were for the Philippine government, and that, therefore, only the Philippine government ought to pay him. Mr. Speaker, the services of Arthur Fergusson in the Philippines were rendered in a very especial degree for the Government of the United States. In the Philippines and elsewhere they were services for the Government of the United States, which the Philippine Commission; which Justice Gray, formerly of the United States Senate; which John Bassett Moore; Secretary of War Wright, formerly governor-general of the Philippines; and everybody familiar with his services know and declare could not have been rendered by any other man. The Philippine Commission, by proclamation, ordered a day of general mourning for his death.

Secretary Taft, when Secretary of War, last spring called the attention of the Nation to the services rendered by Arthur Fergusson, declaring that they had been indispensable in bringing about harmonious relations between the Filipinos and the American Government in the Philippine Islands. He served us during the negotiations which resulted in the treaty of Paris, his services being so splendid that on motion of Mr. Rios, one of the representatives of Spain, Arthur Fergusson, an American, was made the official interpreter for the joint commission.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. COOPER of Wisconsin. Yes.

Mr. MADDEN. Is the amount embodied in this bill provided to be paid to the widow of Mr. Fergusson intended as a compensation for services rendered by Mr. Fergusson?

Mr. COOPER of Wisconsin. It is to be paid by the United States, not in compensation, but as only a very slight recognition of the immeasurable value of the work done by that man for the Government of the United States.

Mr. MADDEN. In other words, it is a donation.

Mr. COOPER of Wisconsin. It is a donation to the widow of a man who did something for the United States. We did not hesitate to give hundreds of thousands of dollars to Italians three or four thousand miles from this country, who had never done anything for us. We made them the beneficiaries of our bounty. This man served his country faithfully and well at a time and under circumstances and with results which entitle his poor widow to call upon the generosity of the Government.

Mr. MADDEN. Will the gentleman yield for one further question? I simply want to call the gentleman's attention to the fact that what the Government did for the Italians was done because of great calamity. Does any such calamity exist in this case?

Mr. COOPER of Wisconsin. In just a moment I will answer that question before I finish.

Mr. MANN. Will the gentleman yield for a question?

Mr. COOPER of Wisconsin. Yes.

Mr. MANN. Does the gentleman think the services, however estimable, which this gentleman rendered to the Government are valuable enough to probably cost the Government in the end \$10,000,000 or more, as this precedent would cost?

Mr. COOPER of Wisconsin. Mr. Speaker, in reply to that argument of precedent, I should say that it never has appealed to me. I never could understand why, if I voted—

Mr. MANN. Well, Mr. Speaker, it appeals to me, and I object.

Mr. MILLER. Mr. Speaker—

The SPEAKER. Does the gentleman from Wisconsin yield?

Mr. MILLER. I understand that the bill under consideration is objected to.

Mr. MANN. I object.

Mr. COOPER of Wisconsin. Will the gentleman permit—

Mr. MANN. Mr. Speaker, if the gentleman will permit me, I would be glad to have the discussion continue, but there are a large number of bills on this calendar. I have none of them, and am not interested in any, but I think every Member is entitled to have his bill reached.

Mr. COOPER of Wisconsin. Will the gentleman from Kansas permit me to answer the question propounded by the gentleman from Illinois, as to whether I do not think that this will make a dangerous precedent?

Mr. MILLER. Yes, I would; but I call the attention of the gentleman to the fact that the gentleman from Illinois objects.

The SPEAKER. The gentleman from Illinois objects.

JAMES H. DOYLE.

The next business on the Private Calendar was the bill (H. R. 21783) for the relief of the legal representatives of James H. Doyle, deceased.

The bill was read.

Mr. MACON. Mr. Speaker, I object.
The SPEAKER. Objection is heard.

M. H. PLUNKETT.

The next business on the Private Calendar was the bill (H. R. 8277) placing M. H. Plunkett, assistant engineer, United States Navy, on the retired list with an advanced rank.

Mr. HOLLIDAY. Mr. Speaker, reserving the right to object, I would like to have somebody give some reason why this bill or similar bills—

The SPEAKER. The bill has not been read yet.

Mr. HOLLIDAY. Well, its purports are shown by its title, but I am willing to wait for it to be read.

The bill was read.

Mr. TALBOTT. Mr. Speaker, I ask to have the report read.

Mr. MANN. Mr. Speaker, I object.

JOHN A. TAFT.

The next business on the Private Calendar was the resolution (H. Res. 483) for the relief of John A. Taft.

The Clerk read as follows:

Resolved, That the bill (H. R. 7479) for the relief of John A. Taft, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

WILLIAM FRANCIS.

The next business on the Private Calendar was the resolution (H. Res. 484) for the relief of William Francis.

The Clerk read as follows:

Resolved, That the bill (H. R. 23799) for the relief of William Francis, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

GEORGE W. AND RICHARD B. COOPER.

The next business on the Private Calendar was the resolution (H. Res. 485) for the relief of the estates of George W. and Richard B. Cooper, deceased.

The Clerk read as follows:

Resolved, That the bill (H. R. 25189) for the relief of the estates of George W. and Richard B. Cooper, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

LEVI ADCOCK.

The next business on the Private Calendar was the resolution (H. Res. 486) for the relief of Levi Adcock.

The Clerk read as follows:

Resolved, That the bill (H. R. 3766) for the relief of Levi Adcock, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

C. W. SMITH.

The next business on the Private Calendar was the bill (H. R. 20613) to compensate C. W. Smith for services and disbursements made in the war with Spain.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to C. W. Smith, of Tampa, Fla., out of any funds in the Treasury not otherwise appropriated, the sum of \$192, to compensate him for services rendered to and advances made for the United States during the late war with Spain.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask some gentleman if this matter ever went to the Navy Department or if there ever was an opinion from the Navy Department in reference to it?

Mr. HAUGEN. Mr. Speaker, I will say to the gentleman that this is for services rendered by this man as quartermaster. I see it is stated in the report that the papers have been lost. The papers were sent to Representative SPARKMAN, a Representative from Florida, and he vouches for the gentleman's integrity and that the papers are now lost.

Mr. MANN. Here is a claim that the man performed certain services for the navy. Now, I want to know whether this

bill for this claim was ever referred to the Navy Department to get their side of the question.

Mr. BIRDSALL. I can answer that, if the gentleman from Iowa will permit.

Mr. MANN. I will be very glad to get the information.

Mr. BIRDSALL. The claim was referred to the Navy Department; but the difficulty of this allowance arose from the fact that this man had served two months before the enlistment officer mustered him in, and then he was found to be too old and was rejected. In the meantime he had rendered these services. The claim has been referred to the Navy Department, and they said that they had no jurisdiction, because it did not appear that this man had ever been enrolled in the service, and the claim would have to come to Congress.

Mr. HAUGEN. He could not be enrolled on account of his age.

Mr. MANN. Here is a proposition to pay a man who claims pay for services performed for the navy, and I want to know if it has been referred to the Navy Department.

Mr. HAUGEN. The report of the committee is that the bill has never been referred—

Mr. BIRDSALL. I beg the gentleman's pardon, it has been referred to the Navy Department, and the gentleman from Iowa answered that question.

Mr. MANN. Oh, the gentleman from Iowa said that the claim had been taken up by the department and rejected. Has the committee any information upon this bill being referred to the Navy Department?

Mr. HAUGEN. The information that the committee got from the Navy Department was this, that this man's claim, he says, is based as quartermaster, that he was detailed by the Navy Department to serve as quartermaster, and upon the application to be mustered in he was found to be too old, and he could not be mustered in, so there is no question about the services and the claim.

Mr. MANN. Oh, I think there is a decided question about the services. If the Navy Department employed him, it ought to pay him; but if the Navy Department did not employ him, probably he ought not to be paid; but certainly we ought to have the information now whether the Navy Department did employ him. I could not hear what my distinguished friend from Iowa said, although I am not very far away from him, except I understood him to say the claim had been rejected by the Navy Department.

Mr. HAUGEN. It was rejected; that is true. But the claimant here was detailed to do this certain service.

Mr. MANN. Will either of the gentlemen from Iowa state, on his own knowledge of the case or personal knowledge of the papers, that this man was, in fact, employed or engaged by a proper official of the Navy Department?

Mr. HAUGEN. I so understand it.

Mr. BIRDSALL. Mr. Smith was a member of the Florida Naval Reserves, residing at Tampa. The services of this organization was tendered, as I understand it, by the governor of Florida to the Government.

Mr. MANN. If the gentleman will pardon me, I do not wish to take the time of the committee discussing the matter. I asked the gentleman whether he knows from his knowledge of the case if this gentleman was in fact employed by the Navy Department to do this work?

Mr. BIRDSALL. He was; and his services were accepted.

Mr. MANN. Then I make no objection.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

HENRY A. TOLBERT.

Mr. MILLER. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1004, the bill H. R. 7048.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 7048) for the relief of Henry A. Tolbert.

Mr. MACON. I will have to object, I think.

Mr. CLARK of Missouri. I want to say that I objected to that this morning; but I have studied about it and gotten the hang of it, and I think I was wrong.

The SPEAKER. Is there objection?

Mr. MACON. I object to the return.

The SPEAKER. Is there objection to the consideration?

Mr. MILLER. That can be determined afterwards. I ask unanimous consent to return to Calendar No. 1004.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, I will have to object to that, because I do not think it is fair to claims ahead of us to go back now to claims that we have passed over. If the gentle-

man will couple with his request that we go back and refer the omnibus war claims resolution—

Mr. MILLER. Mr. Speaker, I will say to the gentleman from Arkansas that I will be glad to ask unanimous consent to return to the consideration of any of these claims where the objection is withdrawn by the party making the objection.

Mr. MACON. We have a war claims resolution on the calendar to refer to the Court of Claims, and I am trying to get back to that as fast as I can.

The SPEAKER. Is there objection to returning to the bill referred to?

Mr. MACON. I withdraw the objection.

There was no objection.

The SPEAKER. Is there objection to its consideration? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HEIRS OF JENKINS & HAVENS.

The next business on the Private Calendar was the bill (H. R. 25361) for the relief of the heirs of Jenkins & Havens.

The bill was read in full.

The SPEAKER. Is there objection?

Mr. MACON. I reserve the right to object.

Mr. MANN. I am going to object.

W. D. FARRON.

The next business on the Private Calendar was the resolution (H. Res. 495) for the relief of W. D. Farron.

The Clerk read as follows:

Resolution 495.

Resolved, That the bill (H. R. 16924) for the relief of W. D. Farron, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

CHARLES W. MUNN.

The next business on the Private Calendar was House resolution 496.

The Clerk read as follows:

Resolution 496.

Resolved, That the bill (H. R. 24503) for the relief of Charles W. Munn, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

DAVIS W. HATCH.

The next business on the Private Calendar was House resolution 497.

The Clerk read as follows:

Resolution 497.

Resolved, That the bill (H. R. 24107) for the relief of Davis W. Hatch, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

MAJ. C. DE W. WILCOX.

The next business on the Private Calendar was the bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by the Government of France.

The Clerk read as follows:

Be it enacted, etc., That Maj. C. De W. Wilcox, U. S. Army, be, and he is hereby, authorized to accept the decoration and diploma of Officer d'Académie tendered to him, through the Department of State of the United States, by the Government of the French Republic; and the Department of State is hereby authorized to deliver to him the said decoration and diploma.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, and it was accordingly read the third time and passed.

CITIZENS' BANK OF LOUISIANA.

The next business on the Private Calendar was the bill (H. R. 26245) for the benefit of the Citizens' Bank of Louisiana.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. Objection is heard.

ADDISON L. BROWN.

The next business on the Private Calendar was the bill (H. R. 12080) for the relief of Addison L. Brown.

The bill was read.

Mr. MACON. I object, Mr. Speaker.

The SPEAKER. Objection is made.

COLUMBUS GAS AND FUEL COMPANY.

The next business on the Private Calendar was the bill (S. 2911) for the relief of the Columbus Gas and Fuel Company.

The bill was read.

The SPEAKER pro tempore (Mr. SHERMAN). Is there objection to the present consideration?

Mr. MACON. I will reserve the right to object, if the gentleman cares to be heard upon the claim.

Mr. EDWARDS of Georgia. I object.

The SPEAKER pro tempore. The Chair sees no one rising to object.

Mr. EDWARDS of Georgia (rising). I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is made.

LOGAN NATURAL GAS AND FUEL COMPANY.

The next business on the Private Calendar was the bill (S. 3748) for the relief of the Logan Natural Gas and Fuel Company of Columbus, Ohio.

The bill was read.

Mr. EDWARDS of Georgia. I object to that also, Mr. Speaker.

The SPEAKER pro tempore. Objection is made.

WILLIAM J. CUSSEN.

The next business on the Private Calendar was the bill (H. R. 1622) for the relief of the estate of William J. Cussen.

The bill was read, as follows:

Be it enacted, etc., That a judgment recovered in favor of the United States against William J. Cussen and Nicholas A. Cullen in the circuit court for the eastern district of Virginia on the 31st day of January, 1870, for the sum of \$1,968 and \$40.40 costs, be, and the same is hereby declared to be released and satisfied as to the estate of the said William J. Cussen, now deceased, and as to any estate, real or personal, acquired by the said Cussen subsequent to the date of the said judgment and aliened by him to others during his lifetime or owned by him at the time of his death, and the United States attorney for the eastern district of Virginia is hereby authorized and directed to mark on the order book of the court where the said judgment is recovered that the same has been satisfied.

The SPEAKER pro tempore. Is there objection?

Mr. MACON. I would like to hear an explanation of the bill, and I reserve the right to object until I can hear something about it.

Mr. MILLER. I do not notice the gentleman from Virginia [Mr. LAMB] who introduced the bill.

Mr. MACON. The gentleman can explain the bill.

Mr. MILLER. I desire to call the attention of the gentleman from Arkansas to the facts here. This is a matter that came to our committee with a recommendation in which the Department of Justice said, "The case is undoubtedly a meritorious one, but requires the action of Congress." This is a clear case; there is no question about its merits. It is a very lengthy case and will require a long time to explain the facts of the case. I want to say to the gentleman if he will read the report carefully he will vote for the passage of the bill. I now yield to the gentleman from Virginia [Mr. LAMB], who will explain the matter.

Mr. MACON. Just give the facts in the case.

Mr. LAMB. Mr. Speaker, this is a case which authorizes no appropriation of money at all. It is only asking for the satisfaction of judgment which now stands as a cloud upon the title to certain land in the city of Richmond, so that there will be relief. This man was declared a bankrupt twenty to thirty years ago. It turned out afterwards that he had been security on an official bond, for which a fieri facias had been issued and returned "no effects." The judge of the court and the clerk of the court are both dead. Investigations have been made, and no evidence of the judgment can be found at all.

Then the lawyers sought relief at the Department of Justice, and here is the reply of that department:

DEPARTMENT OF JUSTICE,
Washington, June 12, 1906.

GENTLEMEN: In the matter of the petition presented by you seeking relief on behalf of the Millhiser Manufacturing Company from the execution of a judgment entered in favor of the United States against William J. Cussen and Nicholas C. Mills in the United States circuit court for the eastern district of Virginia on the 31st day of January, 1870, the department advises you that after a careful consideration of all the facts it is clearly of opinion that the case is not one in which the department is authorized to afford relief.

The case is undoubtedly a meritorious one, but requires the action of Congress.

Respectfully,

M. D. PURDY,
Acting Attorney-General.

Messrs. GUY & GUY,
Attorneys at Law, Richmond, Va.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

C. F. SUGG.

The next business was the bill (H. R. 16551) to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., \$79.95, for damages inflicted upon gasoline steamer *Clyde* by light-house tender *Oleander*.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., the sum of \$79.95, in full payment of his claim for damages inflicted upon the gasoline steamer *Clyde* by the light-house tender *Oleander* on the 3d day of August, 1907.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

PRIVATE PENSIONS.

The next business on the Private Calendar was the bill (H. R. 27049) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of James P. Ritchie, late of Company F, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas J. Stephens, late second Lieutenant Company A, One hundred and fourteenth Regiment, and captain Company A, One hundred and fifty-fifth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William N. Gemmill, late of Company D, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Cyrus S. Clason, late of Company C, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Luther W. Sanderson, late of Company G, First Regiment Iowa Volunteer Cavalry, and Company H, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Daniel G. Crotty, late of Company F, Third Regiment, and Company F, Fifth Regiment, Michigan Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of William McClarence, late of Company A, Fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Franklin K. Hoyt, late of Company F, First Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Isaac Davis, late of Company B, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of David Kelley, late of Company H, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Leonidas Wilson, late of U. S. S. Benton and Clara Dolson, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James S. Lee, late of Company L, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Dehnenberger, late of Company B, Forty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John B. Laillet, late of Company E, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Francis P. Waters, late of Company M, Second Regiment Pennsylvania Volunteer Cavalry, and Company M, First Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William W. Hay, late of Company D, Thirty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Miles Gary, late of Company I, Forty-seventh Regiment, and Company H, Twenty-fifth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Bazel Lemley, late of Company I, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and Company H, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Wade, late of Company D, Cass County (Mo.) Home Guards, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Daniel W. Brumbaugh, late of Company B, Third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is receiving.

The name of John R. C. Husted, late of Company C, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Andrew Fortney, late of Company H, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edwin H. Tyler, late of Company B, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Egbert, late of Company D, One hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jarrett C. Hackworth, late of Company F, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Zachariah T. Alexander, late of Company I, Fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Louisiana A. Swafford, widow of Henry Swafford, late of Company A, Eighty-seventh Regiment, and Company H, Eighteenth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Sherman Swafford, helpless and dependent son of said Henry Swafford, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Louisiana A. Swafford the name of said Sherman Swafford shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Louisiana A. Swafford.

The name of Duncan N. Pritchett, late of Company C, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Albert E. Brown, late of Company I, Seventh Regiment Kentucky Volunteer Cavalry, and Company E, Sixth Regiment Kentucky Veteran Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Elihu Wolf, late of Company G, Forty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Clayton E. Blackwell, late of Company C, Second Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Vanburen Mitchell, late of Company D, Twenty-fifth Regiment, and Company E, One hundred and fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Margaret Hardy, former widow of James A. Hardy, late of Company F, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Anthony Fornes, late of Thirty-fifth Independent Company, New York Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Flavious Josephus Ruley, late of Company A, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry H. Martin, late of Company F, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Almy, late of Company A, Third Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John W. Rogers, late of Company H, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Gideon S. White, late of Company C, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Forrister, late of Company F, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Andrew J. Northrup, late of Company H, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Trusty, late of Company K, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Brown, late unassigned, Fourteenth Regiment New York Volunteer Heavy Artillery, and Company H, Ninety-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alice E. Mahon, widow of James Mahon, late of Company A, Seventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of \$12 per month: *Provided, however*, That such pension shall cease upon proof that the soldier is living.

The name of John Newton Hunt, late of Company H, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry Bibb, late of Company B, Thirteenth Regiment U. S. Colored Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Whitney, late of Company D, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Leander Merrill, late of Company B, Eighth Regiment U. S. Veteran Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Elizabeth A. Hinman, widow of Walter C. Hinman, late of Company G, Twentieth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Chillian Spanogle, late of Company I, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lytle Kays, jr., late of Company F, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Maurice I. Covert, late of Company E, One hundred and sixty-ninth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Ruf, late of Company F, Second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Sylvester Van Deusen, late of Company B, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John F. Benjegerdes, late of Company D, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Shaw, late of Company A, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William R. Dodsley, late second lieutenant Company H, and first lieutenant Company K, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Newton Wilson, late of Company D, Ninety-ninth Regiment, and Company D, Fiftieth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James A. Hawley, late of Company H, Thirtieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry M. Chase, late of Company A, Seventh Squadron Rhode Island Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Thomas Burk, late of Company A, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Milton Koogle, late of G. A. Bennett's company, Union Light Guards, Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph A. Davis, late of Companies B and I, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David A. Garlock, late of Company I, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Simeon C. Chandler, late of Company D, Sixth Regiment Massachusetts Militia Infantry, Company A, Thirty-third Regiment Massachusetts Volunteer Infantry, and Fifteenth Independent Battery Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Abraham Shufelt, late of Company H, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel W. Koser, late of Independent Battery B, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Groosbeck, late of Company B, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James M. Hslop, late of Company F, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Aaron G. Allmond, late of Company K, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John C. Lang, late of Company D, One hundredth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John L. Miller, late of Company B, First Regiment Potomac Home Brigade Maryland Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Frank W. Mills, late of Company C, Seventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sophia Eichelberger, widow of Uriah Eichelberger, late of Company A, One hundred and seventy-fourth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of \$12 per month: *Provided, however*, That such pension shall cease upon proof that the soldier is living.

The name of John Johnson, late of Company E, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Benoni Williams, late of Company G, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Isaac Y. Taylor, late of Company H, Seventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Nancy Cox, widow of John T. Cox, late of Company B, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Alexander Ingram, late of Company G, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Cline, late of Company H, One hundred and sixty-fifth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Brookbanks, late of Company A, Seventy-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph G. Hutcheson, late of Company F, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Thomas B. T. Anderson, late of Company G, Eighteenth

Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Milton G. Pattillo, late of Company D, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Benjamin F. Green, late of U. S. S. Princeton, Minnesota, and Fort Jackson, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elijah J. Freeman, late of Company F, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Milton B. Evers, late of Company H, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Lydia A. Stock, widow of Franklin O. Stock, late of Company H, Eighty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Henry G. Chritzman, late surgeon Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward Ayers, late of Company F, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Egan, late of Company E, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Gottlieb Granold, late of Company E, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Harrison Griffin, late of Company D, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel Zarley, late of Company G, One hundred and fourteenth Regiment, and Company F, One hundred and sixtieth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William L. Greer, late of Company B, Second Regiment West Tennessee Volunteer Cavalry, subsequently Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James F. Holt, late of Company K, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Emma Hooper, widow of Isaac Hooper, late of Company M, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Asa P. Boardman, late of Company I, Second Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Moses Wadleigh, late of Company D, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph Carraway, late of Company C, Fifth Regiment New Hampshire Volunteer Infantry, and Company L, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Granville F. McClure, late of Company K, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James H. Hancy, late of Company H, Seventeenth Regiment, and Companies E and C, Sixtieth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles A. Van Horn, late of Company A, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William B. Vanhoozer, late of Company A, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Marcus H. Ingram, late of Company D, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas Jaworski, alias Thomas Oskey, late of Company C, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John F. Barrow, late of Company C, One hundred and thirtieth Regiment, and Company C, One hundred and twentieth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Paul Seifrid, late of Company H, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Nancy A. Bush, widow of William Bush, late of Company B, First Regiment, and Company F, Sixth Regiment, Illinois Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Eva B. Lynch, helpless and dependent child of Uriah Lynch, late of Company K, Twenty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Pliny A. Bailey, late of Company F, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph Williams, late of Company E, One hundred and ninety-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Hissong, late of Company C, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mahlon Baker, late of Company I, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joel T. Booz, late of Company D, Tenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jacob Barkheimer, late of Company A, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Ray, late of Company H, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William B. Estes, late of Company A, Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles F. Hausdorf, alias Frank Houston, late of Company A, and major, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Pary McNair, late of Company H, Third Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Knowlson, late surgeon One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jonathan Hull, late of Sixteenth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Catherine E. Fisk, widow of George A. Fisk, late captain Company D, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Stephen F. Smith, late of Battery E, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Murray, late of Company A, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of James Hamilton, late of Company D, First Regiment Michigan Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel F. Dennen, late of Thirtieth Unattached Company, Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John F. Lasey, late of Company I, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Croft, late of Company E, Seventy-second Regiment, and Company H, Sixty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Russell Bell, late of Company G, One hundred and second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Purdy, late of Company D, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Gilson, late of Company K, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edward F. Wilson, late of Company A, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$15 per month in lieu of that he is now receiving.

The name of Leander Wyrick, late of Company K, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Sylvester T. Clancy, late of Company M, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Moses Charbonneau, alias Cole, late of Company I, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Taylor Hall, helpless and dependent child of John Hall, late of Company H, Eighth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Robert W. Foster, late of Company E, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Alonzo R. Sharp, late of Company B, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph L. Vaughn, late of Company F, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas M. Tibball, late of U. S. S. North Carolina, Marion, and Ohio, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Bridget Hopkins, widow of Patrick Hopkins, late of Company H, Ninetieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

Provided, That in the event of the death of Lizzie Hopkins, helpless and dependent daughter of said Patrick Hopkins, the additional pension herein granted shall cease and determine.

The name of George L. Gilbert, alias Luther G. Price, late of Company A, Sixth Regiment, and Company A, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Eli T. Forrester, late of Company C, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Harvey A. P. Doyle, late of Company H, Forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of James H. Wean, late of Twenty-second Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Elnathan Sweet, late of Company C, Seventy-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George H. Beck, late of Company I, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Carrington, late of Company F, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry Mooneyham, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Christian Reuter, late of Company I, Forty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George M. Evans, late of Company H, Forty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Allen C. Rose, late of Company G, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David M. Roseberry, late of Company B, One hundred and thirty-seventh Regiment, and Company H, One hundred and forty-fifth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Benjamin M. Hutchins, late of Company C, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Conley, late of U. S. S. Wabash and Siren, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Phipps, late of band, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John R. Madison, late of Company H, Fifty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Albert S. Graves, late of Company K, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George C. Stevens, late second lieutenant Company C, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James Underwood, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James K. Winant, late of Company A, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Alice S. Sturgeon, widow of George W. Sturgeon, late of Company A, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month: *Provided, however, that such pension shall cease upon proof that the soldier is living.*

The name of Samuel K. Galbaugh, late of Company K, One hundred and ninety-third Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Theodore Lawrence, late of Company A, Third Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Henry Smith, late of Company E, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John M. Keeler, late of Company G, Thirty-seventh Regiment, Company I, Eighty-eighth Regiment, and Company I, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Moses Farris, late of Company A, Sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Samuel J. Dampman, late of Company A, Fourteenth Regiment Pennsylvania Volunteer Infantry, and second lieutenant Company B, Nineteenth Regiment Pennsylvania Emergency Militia Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles H. Wells, late of Company C, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John H. Butler, late of Company D, Twenty-fourth Regiment U. S. Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John D. Vail, late of Company C, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Gillon, late of Company D, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of David Strickland, late of Company E, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph M. Westwood, late of Company A, First Battalion Nevada Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Isaac Smithson, late of Company C, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Burgess Ray, late of Company K, One hundred and first Regiment, and Company K, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Isaac Gour, late of Company E, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. McVicker, late first lieutenant and captain Company D, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Guy Mazza, late of Company K, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James Arnold, late of Company G, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Emri Sites, late of Company C, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Goodman, late of Company M, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas Blythe, late first lieutenant Company D, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James H. Bule, late of Company E, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Gardner Wells, late of Company B, Nineteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hannah Burton, widow of Charles Burton, late of Company K, Eighth Regiment, and Company C, Fourth Regiment, New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The name of William E. Bybee, late of Company L, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George R. Cross, late of Company A, Sixty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry Welch, late of Company A, First Regiment U. S. Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Michael Barry, late of Company K, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Martin Murray, late of U. S. S. Kensington, Tennessee, and Sciota, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary A. Stanton, widow of George P. Stanton, late of Company B, Seventh Regiment, and Company D, Forty-sixth Regiment, Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Thomas J. Necessary, late of Company K, Eleventh Regiment, and Company K, Ninth Regiment, Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of William Ira Annin, late of Company E, One hundred and forty-first Regiment New York Volunteer Infantry, and Company F, Seventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Isaac F. Smith, late of Company B, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John A. McDermott, late of Company M, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elijah Hemings, late of Company A, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William A. Cotrel, late of Company F, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles Watson, late of Company D, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James W. Garrett, late of Troop G, First Regiment U. S. Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Roausch, late of Company H, Twelfth Regiment, and Company F, Fifth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph A. Crayne, late of Company E, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Robertson, late of Company D, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles C. Sabin, late of Company A, Forty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Silas R. Wethy, late of Company E, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lewis Hapgood, late of Company C, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William J. Wilson, late of Company E, Thirteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Warren S. Dungan, late lieutenant-colonel Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The name of William E. Taylor, late of Company A, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frederick A. Griffith, late of Company B, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Orlando Fountain, late captain Company E, and major, Eighty-sixth Regiment Illinois Volunteer Infantry, and first lieutenant Company D, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William S. Peck, late of Company H, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James Vosburg, late of Company B, Thirty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James G. Moe, late of Company F, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John A. Plummer, late of Company H, Forty-second Regiment Illinois Volunteer Infantry, and unassigned, Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles H. Van Buren, late of Cooley's Chicago mercantile battery, Illinois Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Howard, late sergeant-major One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William S. C. Megill, late of Company F, Seventy-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lancaster D. Baldwin, late of Company C, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Aldrich, late of Company E, Twentieth Regiment Indiana Volunteer Infantry, and Company I, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jay D. Howard, late of Company F, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Sear S. Johnson, late of Company G, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 851. James P. Ritchie;
H. R. 1578. Thomas J. Stephens;
H. R. 1718. William N. Gemmill;
H. R. 2449. Cyrus S. Clason;
H. R. 2769. Luther W. Sanderson;
H. R. 2778. Daniel G. Crotty;
H. R. 2960. William McClarence;
H. R. 3119. Franklin K. Hoyt;
H. R. 3129. Isaac Davis;
H. R. 3132. David Kelley;
H. R. 3524. Leonidas Wilson;
H. R. 3688. James S. Lee;
H. R. 3808. John Dehnenberger;
H. R. 4494. John B. Laillet;
H. R. 4983. Francis P. Waters;
H. R. 5526. William W. Hay;
H. R. 5980. Miles Gary;
H. R. 6517. Bazel Lemley;
H. R. 6965. George W. Wade;
H. R. 7058. Daniel W. Brumbaugh;
H. R. 8344. John R. C. Husted;
H. R. 8425. Andrew Fortney;
H. R. 8444. Edwin H. Tyler;
H. R. 8643. Thomas Egbert;
H. R. 8687. Jarret C. Hackworth;
H. R. 8688. Zachariah T. Alexander;
H. R. 9556. Louisiana A. Swafford;
H. R. 9563. Duncan N. Pritchett;
H. R. 10828. Albert E. Brown;
H. R. 11007. Elihu Wolf;
H. R. 11155. Clayton E. Blackwell;
H. R. 11414. Vanburen Mitchell;
H. R. 12725. Margaret Hardy;
H. R. 12777. Anthony Fornes;
H. R. 13255. Flavious Josephus Ruley;
H. R. 13350. Henry H. Martin;
H. R. 14526. William Almy;
H. R. 14701. John W. Rogers;
H. R. 16147. Gideon S. White;
H. R. 16779. John Forrister;
H. R. 16782. Andrew J. Northrup;
H. R. 16921. William Trusty;
H. R. 17150. William H. Brown;
H. R. 17642. Alice E. Mahon;
H. R. 17919. John Newton Hunt;
H. R. 18022. Henry Bibb;
H. R. 18190. George W. Whitney;
H. R. 18466. Leander Merrill;
H. R. 18604. Elizabeth A. Hinman;
H. R. 19055. Chillian Spanogle;
H. R. 19126. Lytle Kays, Jr.;
H. R. 19515. Maurice I. Covert;
H. R. 19568. John Ruf;
H. R. 19593. Sylvester Van Deusen;
H. R. 19835. John F. Benjegerdes;
H. R. 19837. John Shaw;
H. R. 19879. William R. Dodsley;
H. R. 20076. Newton Wilson;
H. R. 20169. James A. Hawley;
H. R. 20277. Henry M. Chase;
H. R. 20330. Thomas Burk;
H. R. 20506. Milton Koogle;
H. R. 20596. Joseph A. Davis;
H. R. 20668. David A. Garlock;
H. R. 21119. Simeon C. Chandler;
H. R. 21417. Abraham Shufelt;
H. R. 21418. Samuel W. Koser;
H. R. 21553. John Groosbeck;
H. R. 21598. James M. Hislip;
H. R. 21603. Aaron G. Allmond;
H. R. 21864. John C. Lang;
H. R. 22136. John L. Miller;
H. R. 22137. Frank W. Mills;
H. R. 22396. Sophia Eichelberger;
H. R. 22426. John Johnson;
H. R. 22429. Benoni Williams;
H. R. 22439. Isaac Y. Taylor;
H. R. 22504. Nancy Cox;
H. R. 22549. Alexander Ingram;
H. R. 22666. John Cline;
H. R. 22700. John Brookbanks;
H. R. 22701. Joseph G. Hutcheson;
H. R. 22708. Thomas B. T. Anderson;
H. R. 22749. Milton G. Pattillo;
H. R. 22778. Benjamin F. Green;
H. R. 22787. Elijah J. Freeman;
H. R. 22951. Milton B. Evers;
H. R. 22958. Lydia A. Stock;
H. R. 23056. Henry G. Chritzman;
H. R. 23134. Edward Ayers;
H. R. 23198. John Egan;
H. R. 23227. Gottlieb Granold;
H. R. 23313. Harrison Griffiths;
H. R. 23376. Samuel Zarley;
H. R. 23442. William L. Greer;
H. R. 23455. James F. Holt;
H. R. 23483. Emma Hooper;
H. R. 23673. Asa P. Boardman;
H. R. 23674. Moses Wadleigh;
H. R. 23675. Joseph Carraway;
H. R. 23676. Granville F. McClure;
H. R. 23812. James H. Haney;
H. R. 23967. Charles A. Van Horn;
H. R. 23992. William R. Vanhoozer;
H. R. 24019. Marcus H. Ingram;
H. R. 24127. Thomas Jaworski;
H. R. 24128. John F. Barrow;
H. R. 24166. Paul Selfrid;
H. R. 24177. Nancy A. Bush;

H. R. 24218. Eva B. Lynch;
H. R. 24253. Pliny A. Bailey;
H. R. 24255. Joseph Williams;
H. R. 24256. George W. Hissong;
H. R. 24257. Mahlon Baker;
H. R. 24261. Joel T. Booz;
H. R. 24312. Jacob Barkheimer;
H. R. 24323. William Ray;
H. R. 24360. William B. Estes;
H. R. 24455. Charles F. Hausdorf;
H. R. 24459. Pary McNair;
H. R. 24470. John Knowlson;
H. R. 24496. Jonathan Hull;
H. R. 24524. Catherine E. Flisk;
H. R. 24578. Stephen F. Smith;
H. R. 24579. George W. Murray;
H. R. 24597. James Hamilton;
H. R. 24599. Samuel F. Dennen;
H. R. 24667. John F. Lasey;
H. R. 24738. John Croft;
H. R. 24804. Russell Bell;
H. R. 24865. William H. Purdy;
H. R. 24948. James Gilson;
H. R. 24985. Edward F. Wilson;
H. R. 24992. Leander Wyrick;
H. R. 25010. Sylvester T. Clancy;
H. R. 25088. Moses Charbonneau;
H. R. 25187. Taylor Hall;
H. R. 25195. Robert W. Foster;
H. R. 25196. Alonzo R. Sharp;
H. R. 25206. Joseph L. Vaughn;
H. R. 25229. Thomas M. Tibball;
H. R. 25236. Bridget Hopkins;
H. R. 25238. George L. Gilbert;
H. R. 25261. Eli T. Forrester;
H. R. 25360. Harvey A. P. Doyle;
H. R. 25378. James H. Wean;
H. R. 25390. Elnathan Sweet;
H. R. 25444. George H. Beck;
H. R. 25455. James Carrington;
H. R. 25457. Henry Mooneyham;
H. R. 25506. Christian Reuter;
H. R. 25507. George M. Evans;
H. R. 25525. Allen C. Rose;
H. R. 25527. David M. Roseberry;
H. R. 25528. Benjamin M. Hutchins;
H. R. 25588. Thomas Conley;
H. R. 25607. William H. Phipps;
H. R. 25608. John R. Madison;
H. R. 25613. Albert S. Graves;
H. R. 25620. George C. Stevens;
H. R. 25624. James Underwood;
H. R. 25637. James K. Winant;
H. R. 25709. Alice S. Sturgeon;
H. R. 25721. Samuel K. Galbaugh;
H. R. 25731. Theodore Lawrence;
H. R. 25732. Henry Smith;
H. R. 25733. John M. Keeler;
H. R. 25773. Moses Farris;
H. R. 25774. Samuel J. Dampman;
H. R. 25781. Charles H. Wells;
H. R. 25787. John H. Butler;
H. R. 25803. John D. Vail;
H. R. 25832. John Gillon;
H. R. 25855. David Strickland;
H. R. 25896. Joseph M. Westwood;
H. R. 25916. Isaac Smithson;
H. R. 25917. Burgess Ray;
H. R. 25934. Isaac Gour;
H. R. 25935. George W. McVicker;
H. R. 25953. Guy Mazza;
H. R. 25975. James Arnold;
H. R. 26012. Emri Sites;
H. R. 26017. George W. Goodman;
H. R. 26018. Thomas Blythe;
H. R. 26019. James H. Buie;
H. R. 26054. Gardner Wells;
H. R. 26133. Hannah Burton;
H. R. 26158. William E. Bybee;
H. R. 26160. George R. Cross;
H. R. 26184. Henry Welch;
H. R. 26253. Michael Barry;
H. R. 26262. Martin Murray;
H. R. 26265. Mary A. Stanton;
H. R. 26269. Thomas J. Necessary;
H. R. 26271. William Ira Annin;
H. R. 26313. Isaac F. Smith;
H. R. 26336. John A. McDermott;
H. R. 26337. Elijah Hemings;
H. R. 26338. William A. Cotrel;
H. R. 26359. Charles Watson;
H. R. 26393. James W. Garrett;
H. R. 26415. Charles Roansch;
H. R. 26442. Joseph A. Crayne;
H. R. 26443. William H. Robertson;
H. R. 26448. Charles C. Sabin;
H. R. 26452. Silas R. Wethy;
H. R. 26460. Lewis Hapgood;
H. R. 26529. William J. Wilson;
H. R. 26532. Warren S. Dungan;
H. R. 26539. William E. Taylor;
H. R. 26567. Frederick A. Griffith;
H. R. 26568. Orlando Fountain;
H. R. 26640. William S. Peck;
H. R. 26652. James Vosburg;
H. R. 26653. James G. Moe;
H. R. 26654. John A. Plummer;
H. R. 26658. Charles H. Van Buren;
H. R. 26659. John Howard;
H. R. 26660. William S. C. Megill;
H. R. 26691. Lancaster D. Baldwin;
H. R. 26847. Charles Aldrich;
H. R. 26935. Jay D. Howard; and
H. R. 26936. Sear S. Johnson.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

CERTAIN NAVAL CLAIMS.

The next business on the Private Calendar was the bill (H. R. 26975) to pay certain claims against the Government arising in the Navy Department.

The Clerk began reading the bill.

Mr. MACON. Mr. Speaker, this seems to be a very long bill, and I am going to object to its present consideration.

Mr. WALDO. I hope the gentleman will withdraw that objection. This bill covers a number of small claims from the Navy Department, payment of which is requested by the department.

The SPEAKER pro tempore. The gentleman from Arkansas has objected.

Mr. WALDO. I will ask him to withhold his objection.

Mr. MACON. Mr. Speaker, I will say that I am very anxious to get back to the war claims resolution that has been objected to, and I do not see any way to get back to it if we read long bills now.

Mr. WALDO. Here are 28 claimants—

The SPEAKER pro tempore. The gentleman has objected, and has not withdrawn his objection. The Clerk will read the next bill.

MARTHA E. WEST.

The next business on the Private Calendar was the bill (H. R. 3674) for the relief of Martha E. West.

The bill was read, as follows:

Be it enacted, etc., That the claim of \$1,500 of Martha E. West, for lumber composing a sawmill and taken in 1865 by United States troops in the Sioux Indian war in Minnesota and used for the construction of a stable, is hereby referred for adjudication on principles upon which claims were paid by the commission under act of Congress of February 16, 1863, to the Court of Claims, which may regard as competent evidence any affidavits or papers relating to the claim and on file in the departments or in the courts, and give such weight thereto as is proper. Any judgment rendered by the court for the claimant shall be paid to her or to her personal representative out of any money in the Treasury not otherwise appropriated.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

ESTATE OF T. J. SEMMES, DECEASED.

The next business on the Private Calendar was the bill (H. R. 24105) for the relief of the estate of T. J. Semmes, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Myra E. Semmes, executrix and sole legatee of T. J. Semmes, late of New Orleans, deceased, \$395.55 in full payment for rents collected by the United States during the civil war from property owned by the said T. J. Semmes and situate at New Orleans, La.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

A. M. DARLING AND F. C. DARLING.

The next business on the Private Calendar was the bill (H. R. 3670) for the relief of A. M. Darling and F. C. Darling.

The Clerk read the bill at length.

Mr. MANN. I object.

HORACE B. GARDNER.

The next business on the Private Calendar was the resolution (H. Res. 510, in lieu of H. R. 26403) referring to the Court of Claims the claim of the legal representatives of Horace B. Gardner.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 26403) for the relief of the legal representatives of Horace B. Gardner, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER pro tempore (Mr. SHERMAN). Is there objection to the present consideration?

There was no objection.

The resolution was agreed to.

ROBERT MICHAELS.

The next business on the Private Calendar was the resolution (H. Res. 511, in lieu of H. R. 5661) referring to the Court of Claims the claim of Robert Michaels.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 5661) for the relief of Robert Michaels, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

SARAH E. TERRILL.

The next business on the Private Calendar was the resolution (H. Res. 512, in lieu of H. R. 17072) referring to the Court of Claims the claim of Sarah E. Terrill.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 17072) for the relief of Sarah E. Terrill, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The resolution was agreed to.

WILLIAM TAYLOR AND JAMES TAYLOR.

The next business on the Private Calendar was the resolution (H. Res. 513, in lieu of H. R. 26312) referring to the Court of Claims the claim of the legal representatives of William and James Taylor, deceased.

The Clerk read the bill at length.

Mr. MANN. I object.

NATHANIEL HUNTLEY.

The next business on the Private Calendar was the bill (H. R. 24995) for the relief of Nathaniel Huntley.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws the record of the muster of Nathaniel Huntley into the military service of the United States as a member of Company E, Fifth Regiment Michigan Cavalry Volunteers, shall be held to be void and without effect, said Huntley never in fact having been mustered into the service as a member of that organization and never having rendered any service with it, but served as a member of Company A, One hundred and fourth Regiment New York Volunteers, and was honorably discharged from that organization.

Mr. MANN. I object.

Mr. JENKINS. Mr. Speaker, I ask the gentleman from Illinois to withhold his objection a moment, until I can make a statement.

Mr. MANN. I am perfectly willing to reserve the right to object; but I say to the gentleman from Wisconsin that the evidence in this case shows that this man deserted twice, tried to shoot his commanding officer once, and it seems to me that is a hard record to get over.

Mr. JENKINS. Oh, there is no such record as that here. This man is charged with having been in a regiment that he never was connected with, but served honorably through the war and received an honorable discharge. It is true that he got into some trouble down at the depot in Washington and a court of inquiry was organized and he was acquitted and returned to duty, and no fault whatever was found with him.

Mr. MANN. He admitted that he deserted at home, that he deserted in Washington, and that he tried to shoot his commanding officer once.

Mr. JENKINS. The gentleman is mistaken in that statement.

Mr. MANN. All I know about it is what the report says. I say to the gentleman frankly I am not acquainted with this man at all.

Mr. JENKINS. He was tried by a court and acquitted and returned to duty. The only difficulty in his case is that he is charged with having served in a regiment that he never was connected with, and I want to get his military record corrected by striking that out. He served honorably in a New York regiment and received an honorable discharge.

Mr. MANN. The evidence shows that this man joined the regiment but never was mustered in, and while waiting to be mustered in he assaulted the lieutenant of the organization and then deserted and ran away.

Mr. JENKINS. He did not desert, because he never was mustered in.

Mr. MANN. If he did not desert he could get a pension. He appears on the rolls as a deserter, and that is what the gentleman from Wisconsin wants to overcome.

Mr. JENKINS. He is not reported as a deserter anywhere. This record says that he never was carried as a deserter. I may say to the gentlemen of the House that the War Department undoubtedly got into this error because in the early days of the war there seems to have been more men in a company than was necessary.

He undoubtedly went there to join a command, the Michigan regiment, but they did not want him, and he did get into some trouble with an officer, but he was never mustered in and never associated with it. He went to New York and served honorably all through the war. He got his pension, and later the department discovered the fact that he was connected with this Michigan cavalry regiment and then discontinued his pension, but not upon the ground that he was a deserter, because the records show that he never was carried as a deserter anywhere on any record; never discharged from the Michigan cavalry regiment.

Mr. MANN. Why did they stop his pension?

Mr. JENKINS. I can not answer that. We just simply want his record corrected, so that it will not be charged against him that he was a member of a regiment he was never associated with.

Mr. MANN. The gentleman is mistaken. The records would apparently show this man was mustered into the service. He says he thought he was not mustered into the service and deserted because he had assaulted the lieutenant commanding him, and that is the reason they dropped him from the pension rolls.

Mr. JENKINS. The gentleman is mistaken. Here is the letter from the War Department:

His name is not borne on the subsequent rolls of the company, and no further or other record of him whatever as of that organization has been found.

He never served with them or had any connection with them, and yet at the same time the records show that he was connected with that company, but in fact he never was.

Mr. MANN. The gentleman says one minute the record shows that he was not connected with it and the next that he was.

Mr. JENKINS. Here is a feeble old man, hardly able to get around, a man who has been drawing his pension for years, and lately they have discovered this condition and have discontinued his pension. He is powerless, living on the county, and he simply asks this be corrected to show that he was never connected with the regiment and never mustered in. I trust the gentleman will not object on a matter of that kind.

Mr. MANN. Well, Mr. Speaker, I believe I will not object, although I think I am to be criticised for not doing so.

The SPEAKER pro tempore. The Chair hears no objection. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

RELIEF OF CERTAIN OFFICERS, UNITED STATES SIGNAL CORPS.

The next business was the bill (H. R. 2950) for the relief of certain officers of the United States Signal Corps.

The Clerk read the bill, as follows:

Be it enacted, etc., That the expenses of operating and keeping in repair the northwestern section of the United States military telegraph lines (from Bismarck to Fort Ellis and connections), constructed under act of Congress approved June 20, 1878, which, between the 20th day of June, 1878, and the 30th day of June, 1883, may have been paid out of moneys received from dispatches sent over said section, be, and the same are hereby, authorized and allowed; and the several officers making such payments are entitled to and shall receive proper credit therefor upon examination of their respective accounts: *Provided,* That said accounts conform in all other respects to the rules of the War and Treasury departments governing the disbursements of public moneys.

The SPEAKER pro tempore. Is there objection to its consideration?

Mr. MACON. Mr. Speaker, I would like to hear some explanation of the bill. I object until I can hear an explanation of the merits of the measure.

Mr. GOULDEN. Mr. Speaker, in the introduction of this bill (H. R. 2950) for the relief of certain officers of the United States Signal Corps, I had in view the case of George S. Grimes, U. S. Army, retired. A brave soldier, with a splendid record of forty-five years in the service of his country, deserving every consideration. He enlisted on August 16, 1862, in the One hundred and sixteenth Regiment New York Infantry, rising on his merits through all the grades, until August 12, 1907, when, on account of serious illness, he was, at his own request, retired as a brigadier-general. While serving in Indian Territory, Texas, Dakota, and Montana from 1876 to 1883, in accordance with custom, he collected and paid out all told \$30,549.49 for operating and maintaining the lines, which was approved by his superior officers. A law was enacted June 20, 1878, requiring these moneys so collected to be paid into the United States Treasury. Without knowing of this law, never having been notified of the change, General Grimes continued the practice of paying out these sums as heretofore. While there is not a cent due the

Government, and so admitted by the officials, General Grimes's account stands charged with \$30,549.49.

The letter from General Allen, who is in charge of the Signal Service of the Army, will explain something in reference to this matter. The letter is in the report; and it is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF SIGNAL OFFICER,
Washington, December 15, 1908.

SIR: I take the liberty of inviting your attention to H. R. bill 2950, introduced by Mr. GOULDEN, of New York, on December 2, 1907, and to House of Representatives Document No. 660, Fifty-ninth Congress, first session, which makes report on an identical bill, and which fully explains the measure.

Recently, at the informal instance of the Treasury Department, I wrote General Grimes asking that he give this matter his attention. I received in reply a letter from his wife stating that General Grimes is very ill, suffering from nervous prostration, and totally incapable of attending to any business.

This is a matter which, as you know, has been hanging a long time, and the Treasury and War departments are, of course, anxious that it should be cleared up. From the report referred to, it seems that General Grimes was practically blameless in the matter. If a favorable report is made by the committee, it may be possible that the case could be completed at the present session of Congress.

Very respectfully, your obedient servant,

JAMES ALLEN,

Brigadier-General, Chief Signal Officer of the Army.

HON. JAMES M. MILLER, M. C.,
House of Representatives, Washington, D. C.

I will now read in explanation the letter of General Grimes himself, of date January 22, 1906.

Mr. MACON. What is the amount?

Mr. GOULDEN. Thirty thousand five hundred and forty-nine dollars and forty-nine cents, but there is no claim made against the Government. It is simply to clear up the record. He is very desirous to have it done, because of the fact that he wanted it and because it is so excellent. Quoting from the letter of January 22, 1906, to the War Department, I read:

My responsibility for the expenditure of the funds in question I consider was discharged—the integrity of the accounts not being in question—when I rendered, in the form and manner prescribed by the Signal Department, the monthly accounts current, as they became due, and when they were approved by that department.

Mr. MACON. Mr. Speaker, if the gentleman will allow me to interrogate him, I think we can get along very much faster than by having him read the letter.

Mr. GOULDEN. Very well.

Mr. MACON. I want to know what the trouble is. Is the man a delinquent?

Mr. GOULDEN. No.

Mr. MACON. Then why do you want to clear up his record?

Mr. GOULDEN. We want to clear it up, and I was reading from his own letter explanatory about it. He expended the money while he was in charge of the Signal Service.

Mr. MACON. He expended over \$30,000?

Mr. GOULDEN. Yes. He was not at that time authorized to expend this money, but it was approved by the department. It was found afterwards that he acted without authority, but there is no question of any money due the Government whatever.

Mr. MACON. Is the Government holding him responsible for this amount?

Mr. GOULDEN. Yes; it is charged to his account.

Mr. MILLER. Yes; it is. Mr. Speaker, I desire to say to the gentleman from Arkansas that these amounts are charged up against the officers. General Grimes is one of them. There are a number of them. These amounts are charged up against them in the department, and they are asking now the adjustment of these accounts, for the reason that the moneys they collected for private telegrams were used for the maintenance of the telegraph lines, as had been done for years; but the law was changed, and after the change of the law they had no right to use the money they collected for private telegrams in the repair of the telegraph lines.

But, under the command of his superior officer, he continued to use the money collected in this way, and when the matter was presented to the department the department refused to allow him credit for it, and it exists now as a charge against these officers, and we are asking now that this account simply may be adjusted.

Mr. MACON. How long has it been standing against him?

Mr. MILLER. For years, and the department has appealed to Congress to make this ruling that they may be relieved. It is not a question of paying any money; nobody is out anything.

Mr. CLAYTON. Mr. Speaker, I understand this is merely a claim which is to get rid of a technical objection urged by the department against certain men, which is a perfectly proper claim, and so recognized by everybody.

Mr. MACON. The hardest hill I have to climb in connection with this case is that it seems to be so innocent, so little objection to its passage, that I can not understand why Congress has

heretofore allowed such a little thing to stand in the way of the passage of a bill that would give to this claimant the relief that gentlemen say he is so eminently entitled to.

Mr. MILLER. I will say to the gentleman from Arkansas in explanation of that, that prior to June, 1878, moneys received from private telegrams sent over United States military telegraph lines were used for the maintenance and repair of the lines, but at that time the law was changed.

Mr. MACON. But you say this has been before Congress for several years.

Mr. MILLER. At that time the law was changed and they could no longer pay out money that way, but this officer never received any notice of the passage of that law, and under the command of his superior officer he continued to pay out money collected in that way for the repair of lines. Had he not done that and turned this money into the Treasury Department, why the Government would have had to pay—

Mr. CLAYTON. And the Government got the benefit of this expenditure—

Mr. MILLER. Absolutely.

Mr. MANN. The gentleman has not quite fully stated the merits of the case, if the gentleman will pardon me. He said for the repair of the lines—

Mr. MILLER. Maintenance and repair.

Mr. MANN. And for the operation, if the gentleman will pardon me. It is the custom now to turn in fees coming from government telegraph lines into the Treasury as miscellaneous receipts. It was formerly the custom to use the receipts for the payment of operating expenses, and that was being done upon these telegraph lines, and thereupon Congress passed a law requiring, properly, that all receipts for the Government should be turned into the Treasury as miscellaneous receipts. This officer was in charge of certain telegraph lines, and operating them with receipts coming in from private persons for private telegraph services. He continued to do that, although Congress had passed a law. Of course, theoretically it was his business to know—

Mr. MACON. I was going to ask in that connection, what advantage have employees or officers of the Government over private persons along that line; ought they not to be required to have knowledge of the law just as private citizens are required to do?

Mr. MANN. Theoretically he was supposed to know what the act of Congress was, but practically he did not know, and his superior directed him to continue paying these, so that even the superior here did not understand this act of Congress applied to this service. Now, it is admitted this money which is charged against the man was used by him in operating the government telegraph lines for the benefit of the Government.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

J. C. HAGGARD.

The next business on the Private Calendar was the bill (H. R. 15755) for the relief of J. C. Haggard, of White County, Tenn. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund and pay, out of any money in the Treasury not otherwise appropriated, to J. C. Haggard, of White County, Tenn., the sum of \$73.59, for tax paid on 66.9 gallons of whisky, the warehouse having previously been unlawfully broken into and said 66.9 gallons of whisky stolen, without fault or negligence on said Haggard's part.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

J. W. PATTERSON.

The next business on the Private Calendar was the bill (H. R. 19579) for the relief of J. W. Patterson.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

S. R. GREEN.

The next business on the Private Calendar was the bill (S. 212) to reimburse S. R. Green, postmaster of Oregon City, Ore., for moneys lost by burglary.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to repay to S. R. Green, postmaster at

Oregon City, Ore., the sum of \$206.40, to reimburse him for key-deposit funds lost by burglary on December 17, 1896.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read a third time, and passed.

CAPT. GEORGE VAN ORDEN, U. S. MARINE CORPS.

The next business on the Private Calendar was the bill (S. 568) for the relief of Capt. George Van Orden, U. S. Marine Corps.

The Clerk read as follows:

Be it enacted, etc., That the sum of \$291.37 be, and it is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and placed to the credit of Capt. (formerly First Lieut.) George Van Orden, U. S. Marine Corps, in the final settlement of his accounts as acting commissary of subsistence, United States Army, island of Guam, by the Auditor for the War Department, in lieu of government funds to the same amount which were stolen and embezzled by a clerk in the office of the commissary of subsistence, island of Guam, in the year 1901, on account of the theft of which sum the accounts of the said Capt. (formerly First Lieut.) George Van Orden, U. S. Marine Corps, are now suspended in the office of the Auditor for the War Department.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

LEGAL REPRESENTATIVES OF WILLIAM AND JAMES TAYLOR, DECEASED.

Mr. HOLLIDAY. Mr. Speaker, I ask unanimous consent to return to House resolution 513.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to return to House resolution 513, Calendar No. 764. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the bill (H. R. 26312) for the relief of the legal representatives of William and James Taylor, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

Mr. MANN. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The question was taken, and the resolution was agreed to.

JOHN M. McDOWELL.

The next business on the Private Calendar was the bill (S. 685) to provide for the payment of John M. McDowell for services rendered in preparing a new set of indices of all records of Council City recording district of the second judicial district of Alaska.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John M. McDowell, of Council City, Alaska, a sum not to exceed \$3,000, being for services rendered in preparing a new set of indices of all the records of Council City recording district of the second judicial district of Alaska.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MACON. I will withhold my objection if the gentleman cares to explain the bill.

Mr. MILLER. Mr. Speaker, this is a Senate bill. It has passed the Senate, and I can probably explain it better by reading the letter of the Attorney-General than by any statement that I might make. The letter, in brief, is this:

DEPARTMENT OF JUSTICE,
Washington, January 25, 1907.

MY DEAR SENATOR: I desire to submit for your consideration the following statement: It appears that about the spring of 1904 Judge Alfred S. Moore, of the second judicial district of Alaska, authorized Mr. J. M. McDowell, United States commissioner for the Council City recording district in Alaska, to prepare a new set of indices of all the records of said Council City recording district. It seems that owing to the inartificial character of the early records and the indices relating thereto the greatest inconveniences resulted to both mine and real-estate owners in the Council City district. It often became necessary, in looking up title to one single piece of property, to consult between 20 and 30 indices. Most of the early records were apparently kept in cheap notebooks and ledgers, and some of the indices were, in 1902, beginning to fall to pieces. Mr. McDowell seems to have spent a great deal of time in preparing these new records and indices, in accordance with the instructions of Judge Moore, and also went to an expense of about \$500 in employing assistance for this work.

There is no fund available under existing legislation to pay Mr. McDowell's claim of \$3,000. In my judgment, the claim is fair and provision should be made to meet it.

I also transmit herewith certain affidavits and other papers on which Mr. McDowell's claim is based.
Very truly, yours,

CHARLES J. BONAPARTE,
Attorney-General.

HON. CLARENCE D. CLARK,
Chairman of the Judiciary Committee, United States Senate.

Mr. MACON. Now, I will ask the gentleman if the judge did not have authority to direct this gentleman to do his work.

Mr. MILLER. He seems to have had no authority under the law. And I may say to the gentleman from Arkansas that he had the right to direct him to do the work, but he had no authority to do so.

Mr. MACON. Does the gentleman think it would be a wise policy for the Government to meet all the obligations that might be imposed against it by persons who were without authority to do so?

Mr. MILLER. No; I do not think so at all. But in view of the fact that this man was ordered by the court or appointed by the court—

Mr. MACON. But the court had no authority, and therefore it had no more right to order this party to do the work than the gentleman from Kansas had.

Mr. MILLER. Possibly not, but this man that did the work supposed the court had full authority to do it.

Mr. MACON. Must the Government suffer because of the mistakes, defaults, or misapprehensions or misdirections of others?

Mr. MILLER. In place of the Government being compelled to suffer in this case, the Government has received the benefit of the work done by this man, and is enjoying that benefit now by the use of these indices prepared by him.

Mr. MACON. You are sure the work ought to have been done?

Mr. MILLER. Certainly the work ought to have been done. They admit that, and the Government is now using them.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

J. M. BLOOM.

The next business on the Private Calendar was the bill (S. 1204) for the relief of J. M. Bloom.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to cause the account of J. M. Bloom, late postmaster at Clearfield, State of Pennsylvania, to be credited with the sum of \$118.18, and that he cause said credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of loss of \$123 in postal funds by robbery of said post-office on the 10th day of February, 1897, and \$68.12 for expenses incurred in the effort to apprehend the burglars, it appearing that said loss was without fault or negligence on the part of said late postmaster; and the sum of \$118.18 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay said claim.

Mr. MANN. Reserving the right to object, I would simply like to say this: I do not propose to detain the committee at this time, when there are many bills on the calendar, about a little claim like this that ought to be acted on. But the amounts in the bill are wrong. The man was credited with \$118 by the Post-Office Department, and the intention was to credit him with the balance. Instead of doing that, here we credit him with the amount he has already been credited with.

Mr. MILLER. Mr. Speaker, if that is true, I trust the gentleman from Illinois will move an amendment, because I think this ought to be amended if that statement is correct. This is a Senate bill.

Mr. MANN. That statement is correct. The beneficiary will receive by this bill a little less than he is entitled to, and probably it is his mistake.

Mr. MILLER. No objection.

The bill was ordered to a third reading, and it was accordingly read the third time and passed.

ELLA M. COLLINS.

The next business on the Private Calendar was the bill (S. 1750) to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies.

The SPEAKER pro tempore. Is there objection?

Mr. MACON. Mr. Speaker, I reserve the right to object.

Mr. MILLER. I wish to say to the gentleman that this was one of those exceptional cases where there was an unusual increase in the population. Two Postmasters-General, Mr. Cortelyou and Mr. Meyer, have both indorsed the payment of this claim.

Mr. MACON. But the idea is this: I want to find out from the gentleman if he thinks it would be a wise policy for the Government to meet all the obligations that might be imposed upon it by the postmasters throughout the country employing

such assistance as they might think they needed without authority of law?

Mr. MILLER. I will say frankly to the gentleman that I am inclined to think that ought to be the policy of the Government. I think the policy of the Government ought to be to pay to every postmaster who is required, when there is a change of population from 2,000 to 10,000 within the comparative short period of forty-eight to seventy-two hours, to go out and hire additional assistance to help to do the government work. I think the policy ought to be to pay.

Mr. MACON. Not in such cases. Has not the Post-Office Department the right to pay postmasters throughout the country additional compensation for clerk hire out of an emergency fund?

Mr. MILLER. I think not, and they have never been paid.

Mr. MACON. We appropriate an emergency fund for that very purpose every time we pass the post-office appropriation bill.

Mr. MILLER. Well, this matter has been passed upon by the Post-Office Department, and two Postmasters-General say that this allowance ought to be made.

Mr. MACON. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

GARRETT R. BRADLEY.

The next business on the Private Calendar was the bill (S. 1752) to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Garrett R. Bradley, late postmaster at Tonopah, Nev., out of any money in the Treasury not otherwise appropriated, the sum of \$442.14, to reimburse him for money expended for necessary clerical assistance.

Mr. MACON. This is the same kind of a bill, Mr. Speaker; I will have to object.

Mr. MANN. Will the gentleman reserve his objection for just a moment?

Mr. MACON. Yes, sir; I will reserve the objection.

Mr. MANN. The gentleman and I feel very much alike upon this proposition. There are two of these bills here. I went in and looked up the matter. These are two mining towns in Nevada where there was a great influx of population all at once. Under the postal laws it is not possible to increase the salary or the compensation or the clerical service of an office that jumps at once from a moderate fourth-class post-office to a higher grade of office.

In other words, it has to be determined by a certain period of time. There was no possibility for the Government to provide for the compensation for these two offices. On the other hand, it was either the duty of the postmasters there to deliver the mail properly or else to resign. If they had resigned they could secure nobody else to do the work. In addition to that—

Mr. MACON. Right there; does not the gentleman think that the Government would have taken a hand and furnished clerical assistance sufficient to have conducted the affairs of that office rather than have it closed?

Mr. MANN. Permit me to say to the gentleman the Government could not conduct the affairs of the office without somebody there. Now, everybody in these two places was mining crazy, just the same as in other mining countries, and the people were not going there for the purpose of doing clerical work.

Mr. CLAYTON. The Government would not have permitted the postmaster to resign under those conditions.

Mr. MANN. Probably not; and the result would be—

Mr. CLAYTON. And his bond would be liable.

Mr. MANN. The result would probably be as I saw it at Montauk Point during the Spanish war, when there were thousands of soldiers there in hospitals, and no way of getting their mail; and I saw tons and tons and tons of mail piled up in a tent, and no one knew to whom it was to go, and no one attempted to distribute it, or deliver it, or to handle it in any way.

It was a crying shame to the Government. If either the gentleman or myself were at Tonopah, or had a son or relative at Tonopah, we would want to have the mail properly handled, and it could not be handled without help. I think on the pure merits the gentleman ought to withdraw his objection to the former bill, and to let this go through.

Mr. MACON. Mr. Speaker, I have known the department to increase the clerks in different post-offices when the work got so heavy that the force then employed could not attend to it; and I can not understand why it ever becomes necessary for postmasters to take it upon themselves to employ clerks without the authority of the Government, unless it is that they want to take the work off their own shoulders and employ some one to do it, and rely upon the Government to reimburse them for having expended the money for their own pleasure and comfort.

Mr. MANN. The Post-Office Department could not have authorized this expenditure of money, because the law very properly prohibits a clerk-hire allowance to exceed \$1,000 in the class of offices to which this office belonged when the great influx of population went into the place. Now, before the class of the office could be changed under the law, which requires six months' time, the population was so great there that the clerical hire permitted to be given by the department could not do the work. The department states that very fact. I asked the department about these two cases, and they informed me that the only thing for a responsible government official, who was worth a whoop in a certain unpleasant place, was to take the responsibility of doing that which the department could not authorize, trusting to the generosity and good sense of Congress to reimburse him.

The SPEAKER pro tempore. Is there objection?

Mr. MACON. There is objection. This can be met just as other cases have to be met that are on the Private Calendar. They can be taken up and passed in their order.

The SPEAKER pro tempore. The gentleman from Arkansas objects. The Clerk will report the next bill.

FARMERS AND MERCHANTS' BANK OF MANDAN, N. DAK.

The next business on the Private Calendar was the bill (S. 3723) for the relief of the Farmers and Merchants' Bank of Mandan, N. Dak.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Farmers and Merchants' Bank of Mandan, N. Dak., the sum of \$57, being the amount of money which was contained in registered letter No. 65130, addressed to said bank by the United States Treasurer at Washington, D. C., February 28, 1905, and destroyed in the burning of a postal car near Hyndman, Pa., March 1, 1905.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

IMPORTATIONS OF ABSINTHE AND KIRSCHWASSER.

The next business on the Private Calendar was the bill (S. 3808) to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to refund to Messrs. Luyties Brothers, of New York, out of any money in the Treasury not otherwise appropriated, the sum of \$3,830.50, for certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

GEORGE Q. ALLEN.

The next business on the Private Calendar was the bill (S. 4435) for the relief of George Q. Allen.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

MAJ. G. S. BINGHAM.

The next business on the Private Calendar was the bill (S. 6891) for the relief of Maj. G. S. Bingham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Maj. G. S. Bingham a sum equal to the amount of pay withheld from said officer because of his acceptance of the single-screw quartermaster steamer General Joseph E. Johnston, and no pay shall be hereafter withheld from said officer on that account.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

CHRISTINA ROCKWELL.

The next business was the bill (S. 7390) for the relief of Christina Rockwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Christina Rockwell, surviving widow of O. P. Rockwell, the sum of \$1,073.13, said sum being due the said O. P. Rockwell, and never paid, as a mail contractor for star mail service in Utah during the contract term July 1, 1862, to June 30, 1866.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MACON. Mr. Speaker, I should like to have an explanation of that. I reserve the right to object.

Mr. MILLER. I yield to the gentleman from Utah [Mr. HOWELL] to explain the matter.

Mr. HOWELL of Utah. Mr. Speaker, the basis of this claim is found in a letter of the Auditor of the Post-Office Department. It seems that Mr. Rockwell was mail contractor for several routes in Utah. For some reason he failed to send in proper vouchers, and his accounts were never settled. There remains to his credit on the books of the auditor of the department the sum of \$1,073.13. He is now dead, and the bill is to enable the Post-Office Department to pay this sum to his widow.

Mr. MACON. Do the accounts in the Post-Office Department show that he is entitled to this amount?

Mr. HOWELL of Utah. The auditor certifies to the amount carried in the bill as standing to his credit.

Mr. MACON. And the only reason they can not pay it is because they have not the proper vouchers?

Mr. HOWELL of Utah. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

PAYMENT TO RELIGIOUS ORDERS OF THE CATHOLIC CHURCH, PHILIPPINE ISLANDS.

The next business on the Private Calendar was the bill (H. R. 26228) to provide for payment of the claims of the Augustinians, the Dominicans, the Recoletos, and the Franciscans, religious orders of the Roman Catholic Church in the Philippine Islands.

The Clerk read the bill at length.

The SPEAKER. Is there objection?

Mr. MACON. I reserve the right to object.

Mr. HACKNEY. I object.

PENSION TO SOLDIERS AND SAILORS OF THE REGULAR ARMY AND NAVY.

The next business on the Private Calendar was the bill (H. R. 27249) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill at length.

Mr. MACON. I would like to make an inquiry as to how this pension bill gets upon the Private Calendar.

The SPEAKER. Everything on the Private Calendar is in order, and that is where the pension bills go.

Mr. SIMS. If this is a pension bill, I object. We have two days in the month for pension bills, and it can be considered on one of those days.

JAMES W. SEARS.

The next business on the Private Calendar was the bill (H. R. 21029) for the relief of James W. Sears.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James W. Sears (now residing at Albion, in the State of Michigan) the sum of \$3,000, being in full for the payment of the canal boat P. G. Dennison, owned by said Sears, but which was destroyed by fire at the port of New York in the year 1863, the said boat at that time being loaded with government stores, having been impressed and taken by the officers of the United States for the use of the Government. The sum of \$3,000 is hereby appropriated to pay the said James W. Sears for the loss of his property out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES EASSON.

The next business on the Private Calendar was the bill (H. R. 16854) for the relief of James Easson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James Easson, of Racine, Racine County, Wis., out of any money in the Treasury not otherwise appropriated the sum of \$300 being the sum unlawfully collected from him by the board of enrollment, namely, \$300, to furnish a substitute when drafted for service in the army, he not being a citizen of the United States at the time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM P. BIRD.

The next business on the Private Calendar was the resolution (H. Res. 518, in lieu of H. R. 19873) referring to the Court of Claims the claim of the legal representatives of William P. Bird.

The resolution was read, as follows:

Resolved, That the bill (H. R. 19873) for the relief of the legal representatives of William P. Bird, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

CARL G. AND JOHN PALM.

The next business on the Private Calendar was the resolution (H. Res. 519, in lieu of H. R. 27253) referring to the Court of Claims the claim of Carl G. and John Palm.

The resolution was read, as follows:

Resolved, That the bill (H. R. 27253) for the relief of Carl G. and John Palm, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

JOHN B. DE BORD.

The next business on the Private Calendar was the resolution (H. Res. 521, in lieu of H. R. 21420) referring to the Court of Claims the claim of John B. De Bord.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 21420) for the relief of John B. De Bord, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

PHILADELPHIA COMPANY.

The next business on the Private Calendar was the bill (S. 6312) for the relief of the Philadelphia Company, of Pittsburg, Pa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Philadelphia Company, of Pittsburg, Pa., out of any money in the Treasury not otherwise appropriated, any statute of limitations to the contrary notwithstanding, the sum of \$2,741.60, the amount of taxes improperly collected by the United States under the war-revenue act of June 13, 1898.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. MILLER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. MILLER. Mr. Speaker, I rise to ask unanimous consent that calendar numbers 1152 and 1153, being bills (S. 2911) for the relief of the Columbus Gas and Fuel Company and (S. 3748) for the relief of the Logan Natural Gas and Fuel Company, of Columbus, Ohio, may be taken upon and considered at this time. These are exactly the same kind of bills. The gentleman from Georgia [Mr. EDWARDS], who objected, has withdrawn his objection, and I will make the same request in any other case that may be presented.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, I object to going back at this time. We will have an opportunity of reaching them in the regular way.

The SPEAKER. The gentleman from Arkansas objects.

G. W. HOWLAND.

The next business was the resolution (H. Res. 522) referring to the Court of Claims the claim of G. W. Howland.

The resolution was read by the Clerk.

The SPEAKER. Is there objection?

Mr. LAW. Mr. Speaker, I ask unanimous consent that that resolution be laid upon the table.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

W. P. DUKES.

The next business was the bill (H. R. 7157) for the relief of W. P. Dukes, postmaster at Rowesville, S. C.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. P. Dukes, the sum of \$74.36, the amount stolen from him while postmaster at Rowesville, Orangeburg County, S. C.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I simply want to make this statement. The report says that the Post-Office Department refuses to allow this man's claim simply on the ground that he did not keep the stamps in a safe. I do

not wish that report to go into the files of Congress unchallenged, because that is an error on the part of the gentleman who wrote the report. The Post-Office Department makes no such rule as that at all.

Mr. CANDLER. Mr. Speaker, I wrote the report, and I want to state that the Post-Office Department did say that in a letter, and I took it out of the letter myself.

Mr. MANN. I have no objection to the claim being passed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

ROBERT GRAHAM.

The next business was the resolution (H. Res. 525) referring to the Court of Claims the claim of Robert Graham.

The resolution was read, as follows:

Resolved, That the bill (H. R. 27336) for the relief of Robert Graham, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ANGELINE C. BURGERT.

The next business was the bill (H. R. 25064) for the relief of Angeline C. Burgert.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Angeline C. Burgert the sum of \$157.72, the amount of her distributive share of the net proceeds of the sale of the Painesville and Youngstown Railroad, applicable to bond No. 209, issued by the Painesville and Youngstown Railroad Company and owned by her, out of the sum of \$473.22 deposited in the United States Treasury on December 1, 1898, by Irving Belford, clerk of the United States circuit court, to the credit of the Treasurer of the United States with the National Bank of Commerce of Cleveland, Ohio, on account of unclaimed funds, as per certificate of deposit No. 201, which said deposit was covered into the United States Treasury, by a miscellaneous receipt, by warrant No. 2274, second quarter of the year 1899.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

JOHN W. SAVILLE.

The next business was the bill (H. R. 8276) placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. HOLLIDAY. I reserve the right to object. That is the same kind of bill that objection was made to a little while ago.

Mr. DAWSON. Does the gentleman from Indiana intend to object to the bill?

Mr. HOLLIDAY. Yes.

Mr. DAWSON. Regardless of any explanation that is to be made?

Mr. HOLLIDAY. I will listen to the explanation.

Mr. DAWSON. I do not want to attempt to convince the gentleman against his will. The purpose of this bill is simply to undo what was done by special act in the case of this man in the year 1884. By reason of the passage of that special act in 1884, which advanced him one grade, he is deprived under the general law of an advancement which this bill seeks to give him, and if the bill which was passed in 1884 had not been passed in his case, then this special act would not be necessary.

Mr. MANN. This beneficiary received a special act of Congress in 1884, and, as I understand it, enjoyed the benefits of that special act from 1884 to 1906. He had that benefit?

Mr. DAWSON. Yes.

Mr. MANN. Now he says that that special act is no benefit to him since 1906. Does the gentleman not think that he has had benefit long enough when he had the benefit of a special act for twenty-two years, without seeking to take up the time of the House to pass two bills for one man, when most people can not get time enough granted to pass one bill?

Mr. DAWSON. This gentleman received no benefit to which he was not entitled. As a matter of fact, this man was a chief engineer, and when the time came for him to be examined with a view to his advancement one grade he was stationed on the Asiatic Station in China. By reason of his situation there and the exigency of the service the department was unable to allow him to take his examination when he had a right to be exam-

ined, and so by reason of this delinquency this officer was denied that right through no fault of his own. The report sets forth the facts succinctly, as follows:

On January 21, 1871, Passed Assistant Engineer Saville was transferred to the retired list as a second assistant engineer for physical disability, which was due to an incident of the service, after having had creditable civil-war service.

By an act of Congress passed in 1884 he was commissioned as passed assistant engineer on the retired list from June 19, 1884. He was entitled to promotion to the grade of passed assistant engineer prior to the date of his retirement, but owing to the fact that he was then serving in China, he could not be examined for promotion until some time subsequently, when he was found physically disabled in the line of duty and was retired without promotion. The act of 1884 gave to Mr. Saville only what he was entitled to had he been examined when his vacancy became due and had he not been found physically disqualified. This special act of 1884, however, excluded Mr. Saville from participating in the benefits conferred on officers with creditable civil-war service under the act of June 29, 1906, by reason of a proviso in that act as follows:

"That this act shall not apply to any officer who received an advance of grade at or since the date of his retirement."

If this bill becomes a law, Mr. Saville will receive no further advancement than he would have received had he not been advanced by the special act of Congress in 1884. The bill carries no provisions for back pay.

Mr. MANN. Well, the law did not allow it.

Mr. DAWSON. The law did give the advancement to him, but the department, by reason of the exigencies of the service, did not permit him to have his examination when the law—

Mr. HOLLIDAY. Mr. Speaker, in order to save the time of the House, I object.

JAMES C. M'FARLAND.

The next business on the Private Calendar was the resolution (H. Res. 528) for the relief of James C. McFarland and his heirs.

The Clerk read as follows:

Resolved, That the bill (H. R. 27232) for the relief of James C. McFarland and heirs, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

REIMBURSEMENT FOR DAMAGES, ETC., AS RECOMMENDED BY LIGHT-HOUSE BOARD.

The next business on the Private Calendar was the bill (H. R. 20165) to reimburse various persons for damages and losses as recommended by the Light-House Board.

The bill was read.

The SPEAKER. Is there objection?

Mr. MURDOCK. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kansas objects.

Mr. CHANEY. Mr. Speaker, I suggest that the next pension bills be passed, as there are several other claims to be taken up.

Mr. MILLER. Mr. Speaker, I ask the gentleman from Kansas to reserve his objection in order that the matter may be explained.

Mr. MURDOCK. Oh, not at all; I do not withdraw my objection.

Mr. MILLER. Have you objection to the bill on its merits?

Mr. MURDOCK. I think the bill ought to go over and be considered later.

Mr. MILLER. Mr. Speaker, I suggest that the pension bills be passed over without prejudice.

The SPEAKER. Without objection, the pension bills on the calendar will be passed without prejudice.

Mr. SIMS. Mr. Speaker, I made objection to H. R. 27249, being a pension bill. I did not know at the time that other pension bills had been reached and passed, as I intended to object to all of them; so that if that has been done, I will withdraw that objection.

The SPEAKER. The gentleman from Indiana [Mr. CHANEY] has requested that the other pension bills on the calendar be passed without prejudice.

The Clerk will report the next bill.

MERRITT & CHAPMAN DERRICK AND WRECKING COMPANY.

The next business on the Private Calendar was the bill (H. R. 24131) authorizing the Secretary of War to adjust the claim of the Merritt & Chapman Derrick and Wrecking Company.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if it is the custom of the Committee on Claims to refer claims to departmental officers with power to pay the same. I do not remember any other bill having been before Congress in years where we provided that the bill shall be sent to the head of the department, with authority, practically, to pay it.

Mr. MILLER. I will yield to the gentleman from Utah [Mr. HOWELL].

Mr. HOWELL of Utah. Mr. Speaker, there is no question as to the collision occurring through the fault of the Government. The steamer that was injured was at anchor and the government steamship ran into it. The only question before the committee was as to the amount of damage. There has been a board of survey, which reported upon the character of the damage, but not as to the amount of the damage. In this bill we authorize the Secretary of War to pass upon that survey and fix the amount of damage within the limit of \$1,800. The wrecking company have put their damages at \$1,800, but the committee did not feel justified in accepting that amount, but deemed it safer to leave to the Secretary of War the determination as to the amount of damage actually inflicted upon the injured vessel.

Mr. MANN. I can see a reason for taking care of the claim, and undoubtedly that ought to be disposed of, but does the gentleman think that is a good precedent to establish, where a claim is presented before the Congress that Congress shall refer it to the Secretary of War, or to the Secretary of Agriculture, or to the Secretary of Commerce and Labor, or some other official of the Government, with authority to audit the claim?

Mr. HOWELL of Utah. I think it is a common practice to give wide discretion to the heads of departments. They have the expenditure in some instances of millions of dollars, to be expended at their discretion, and we did not feel it was a dangerous precedent to allow the Secretary of War, in a case where the Government was clearly at fault for damages, to fix the amount of such damage, especially when we limited his discretion to the amount that is claimed by the persons who were injured.

Mr. MANN. Well, you have not made any limit here, as far as that is concerned.

Mr. HOWELL of Utah. It is not to exceed \$1,800.

Mr. MANN. We appropriate not to exceed \$1,800, but you authorize the Secretary to audit \$25,000, and then it comes regularly in an appropriation bill. Now, it seems to me a very dangerous precedent to refer claims, not to the Court of Claims, not to the Committee on Claims, but to any officer you happen to select in a given department of the Government.

Mr. WALDO. Will the gentleman propose an amendment in a few words making such a limitation as he thinks ought to be there?

Mr. MANN. My own suggestion would be to have him report back to Congress.

Mr. HOWELL of Utah. The Secretary of War has already reported in favor of the claim, recommending that it be allowed. It is a just obligation against the Government. The Quartermaster-General also recommends the appropriation of eighteen hundred dollars as a reasonable amount for the damage inflicted. But we felt it ought to be referred to the Secretary of War for a fuller investigation of the damages, as there is some conflict in the papers as to what the damages actually are.

Mr. MANN. I will not object to the consideration of this bill, but I will object so far as its making a precedent is concerned.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. I would like to ask the gentleman from Utah a question: Is the gentleman on the Committee on Claims?

Mr. HOWELL of Utah. I am.

Mr. COOPER of Wisconsin. I understand that the claim under consideration is for damages resulting from a collision?

Mr. HOWELL of Utah. Yes, sir.

Mr. COOPER of Wisconsin. And you propose to leave it entirely to the discretion of a department official to adjust it at an amount not to exceed \$1,800? The other day I had before your committee a claim for a man who fell through a rotten plank, broke five ribs, broke one of his legs in three places, broke his fingers, and was unconscious for twelve days. Your committee refused to take it up although the Assistant Attorney-General of the United States, in his brief, said that the man ought to be paid and ought to have \$5,000. I object.

BANK OF FREEBURG, MO.

The next business on the Private Calendar was the bill (H. R. 27221) for the relief of the Bank of Freeburg, of Freeburg, Mo.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Bank of Freeburg, of Freeburg, Mo., the sum of \$200, being the amount of money which was contained in registered letter, No. 86, addressed to Joseph Wolf, at Argyle, Mo., and destroyed in the burning of the post-office at Argyle, Mo., December 11, 1907.

Mr. NORRIS. I have no objection.

The bill was ordered to a third reading, read the third time, and passed.

JOHN V. VICKERS.

The next business on the Private Calendar was the bill (S. 4313) for the relief of John V. Vickers.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of the General Land Office be, and he is hereby, authorized to reconvey, by proper deed of conveyance, all title which the said John V. Vickers has vested in the United States Government to the following-described land, to wit: SW. $\frac{1}{4}$ NE. $\frac{1}{4}$ and SE. $\frac{1}{4}$ NW. $\frac{1}{4}$ and the W. $\frac{1}{4}$ SE. $\frac{1}{4}$, sec. 26, T. 10 S., R. 68 W. of the sixth principal meridian, Colorado, embracing 160 acres: *Provided,* That the said John V. Vickers makes satisfactory proof of such conveyance to the United States of said land by the submission of an abstract of title together with the deed of conveyance to the United States of the same, which said deed and abstract or abstracts shall be retained in the files of the General Land Office.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, read the third time, and passed.

FRANCISCO KREBS.

The next business on the Private Calendar was the bill (H. R. 27252) for the relief of Francisco Krebs and his heirs and assigns.

The bill was read, as follows:

Be it enacted, etc., That Francisco Krebs, his heirs and assigns, be, and he is hereby, confirmed in his title to that part of Round Island, in the State of Mississippi, situated in secs. 33 and 34, T. 8 S., R. 6 W., east of Pearl River, containing approximately 60.85 acres, and being a part of the land granted by the Spanish Governor Grimarest to Francisco Krebs, on December 13, 1783, and recorded in translated records, book No. 2, page 51, in the probate court at Mobile, Ala., the residue of said island, to wit: All of fractional secs. 3 and 4, T. 9 S., R. 6 W., east of Pearl River, and containing, respectively, about 16.50 and 33.44 acres, set forth and reserved by executive order of President McKinley, dated September 3, 1900, being expressly hereby excepted from the terms of this act, the same being reserved by the United States for light-house purposes: *Provided,* That nothing in this act of confirmation shall affect the claim or claims of any other person or persons to the said land hereby confirmed to said Francisco Krebs, his heirs and assigns, or any part thereof derived from the United States or any source whatever.

SEC. 2. That nothing in this act contained shall be construed to prevent the authorities of the United States from cutting and removing trees or other growth on any part of said island which may in any wise obscure the light from the light-house situate on said island or obstruct the view thereof, and no structure of any character whatever shall ever be erected or permitted on any part of said island at such place or in such manner as to obstruct or obscure said light, and the authorities of the United States shall at all times have the right to remove and abate any and all obstructions to the clear, full, and perfect view thereof, without incurring any liability whatever for so doing.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to attract the attention of the gentleman who introduced the bill to the fact that apparently the bill proposes to confirm title to a certain piece of property in the party now claiming title, and at the same time reserves to the Government the right of control to a certain extent over it. The two propositions are entirely inconsistent.

Mr. BOWERS. Mr. Speaker, my attention had been brought to that defect, and I have drafted an amendment, making the acceptance an acceptance of all conditions that are imposed on the title, and making it run with the land.

The SPEAKER. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add as a new section:

"SEC. 3. The application for a patent hereunder and acceptance of same shall be held to be an acceptance by the claimant of all the terms and conditions of this act, which shall run with the land."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM BOLDENWECK.

The next business on the Private Calendar was the bill (S. 890) for the relief of William Boldenweck, assistant treasurer of the United States at Chicago.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed, in settling the accounts of William Boldenweck, assistant treasurer of the United States at Chicago, to pass to the credit of said Boldenweck the sum of \$173,000, being the sum which was stolen from the subtreasury at Chicago during the year 1907.

The SPEAKER. Is there objection?

Mr. SHACKLEFORD. Mr. Speaker, for the reasons stated in the minority views on this case, I object.

Mr. BOUTELL. I think perhaps the gentleman will withdraw his objection. I hope he will reserve the objection, with a possibility of ultimately withdrawing it.

Mr. SHACKLEFORD. I will reserve it.

Mr. BOUTELL. I do not know that anything I can state will add to what is so well stated in the report of the majority; but this is a Senate bill, recommended by the Treasury Department, and favorably reported by the proper committee of this House. Under these circumstances I very much hope that the gentleman from Missouri will let this go to a vote.

Mr. SHACKLEFORD. Mr. Speaker, the gentleman says the affirmative side of this question has been well expressed in the majority report. I believe I could not express myself better than I have in the minority report which I and others have filed in this case.

Mr. BOUTELL. Let me suggest to the gentleman from Missouri, we are getting toward the end of the session; we will not observe the 5 o'clock hour. We are within four or five bills of the end of the calendar. Why not have a vote on this on its merits?

Mr. SHACKLEFORD. I believe, Mr. Speaker, I shall feel constrained under the circumstances, much as I regret it, to object.

Mr. BOUTELL. I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. SHACKLEFORD. I make a point of order against that motion.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole on the Private Calendar.

Mr. CLARK of Missouri. Was it not agreed that all of this calendar should be gone through with where the bills were not objected to? That was the rule.

The SPEAKER. The Chair is not aware of any agreement. Mr. CLARK of Missouri. That is the regular order.

Mr. BOUTELL. If there was any agreement, it was while the gentleman from Illinois was not on the floor.

Mr. CLARK of Missouri. It was the rule itself that was passed.

Mr. MACON. The special order.

The SPEAKER. The Chair will inquire of the Clerk's desk: Has there been an agreement in the House changing the terms of the special order during the session to-day? The Chair is informed that no such agreement has been made.

Mr. SHACKLEFORD. Is not the gentleman's motion out of order under the rule itself?

The SPEAKER. It is not; for the reason that when the rule was agreed to that question was raised and properly settled by a statement as to the effect of the rule, by the gentleman from Illinois [Mr. MANN], that it was quite in the power of the House, if it saw proper to do so, on motion at any time to resolve itself into the Committee of the Whole House for consideration of bills on the Private Calendar. The question is on the motion of the gentleman from Illinois [Mr. BOUTELL]. The question being taken, the motion was rejected.

The SPEAKER. The Clerk will report the next bill.

DANIEL W. ABBOTT.

The next business on the Private Calendar was the bill (H. R. 26516) authorizing Daniel W. Abbott to make homestead entry. The bill was read, as follows:

Be it enacted, etc., That Daniel W. Abbott be, and he is hereby, empowered to make entry of and acquire title to the south half of the southeast quarter and the south half of the southwest quarter of section 6 in township 10 south, range 28 east, Boise meridian, under the general provisions of the homestead laws of the United States, notwithstanding he may have heretofore exhausted his right to make entry under said laws, and he shall be given credit, under any entry made by him under this act, for the full period of such actual residence as he may have maintained on said land prior to the time he makes entry under this act.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

CLAIMS UNDER BOWMAN AND TUCKER ACTS.

The next business on the Private Calendar was the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts, with amendments of the Senate thereto, reported from the Committee on War Claims with sundry Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. NORRIS. The bill has not been read.

Mr. MANN. Mr. Speaker, the bill should be read first.

Mr. HASKINS. I call for the reading of the report.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, the bill has not been read.

The SPEAKER. The bill covers many scores of pages.

Mr. MANN. It seems to me I might as well object. Undoubtedly we shall have to take that up another day. The Senate amendments represent 175 printed pages.

The SPEAKER. The amendments will be read, unless there is objection.

Mr. MANN. Under the circumstances at present, I will object.

Mr. HASKINS. All I ask is to have a short report read. We do not ask to have the bill read.

The SPEAKER. The amendments can not be acted upon without being read.

Mr. SIMS. I will ask the gentleman to withhold his objection for a moment.

The SPEAKER. The rulings of the present occupant of the Chair and, in so far as the Chair recollects, of all former Speakers, have been that a bill or an amendment must be read at some stage before it is acted upon.

Mr. SIMS. I realize that, but I want to make a statement, as briefly as possible, after which I think there will be no objection made. Will the gentleman from Illinois withhold his objection for a moment?

Mr. MANN. I am willing to reserve the right to object.

Mr. SIMS. Mr. Speaker, I want to state to the membership of the House that this is an omnibus war claims bill. As it passed this House, it had nothing in it but court findings. It went to the Senate and has been amended and comes back with more than \$2,000,000 increase. It comes back as a Senate amendment, The Senate having struck out the entire House bill and then put in the House items and Senate additions as one amendment. It is utterly impossible for it to be considered in this House, read and considered, item by item, discussed, and voted upon at this late hour. Therefore the demand for the reading of this bill of about 200 pages at this time means the death of the bill. There will be no other opportunity to consider this bill after to-day. There is no more than time now for the conferees to consider it properly and thoroughly, if sent to them at once. If it can not go to conference without reading the bill in full at this time, it is very clear that it can not be passed at this session of this Congress.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object for a moment, this bill can easily be passed by the Senate receding from its amendment without a conference. All they have got to do is to ask that the bill be returned to the Senate. When the bill passed the House, it was distinctly stated in the House that if when it came back it should be loaded up with page after page of propositions concerning which no one in the House was informed, it would meet with every proper objection.

If the Senate desires to pass the bill which was passed by the House, let them pass it in that shape. If they have claims which the Senate thinks ought to be allowed, let them pass a Senate bill and send it over here, and, so far as I am concerned, I am perfectly willing to help consider it on its merits. Here are 25 pages originally of this bill, and now there are 212.

Like every other Member of the House I am flooded with requests from people in my territory who have claims in the bill, some of which are possibly and probably meritorious, and some of which I know are not meritorious. Most of them are claims that have been persistently pushed; many of them are claims concerning which the Committee on War Claims has never had jurisdiction, and probably never had any knowledge; and when the conference committee would be agreed to naturally it would be composed of members of the Committee on War Claims, although probably one-half of these Senate claims in the Senate amendments relate solely to claims that would go to other committees.

The SPEAKER. Is there objection?

Mr. MANN. I object.

JAMES A. PAULK.

The next business on the Private Calendar was the bill (H. R. 4168) to carry out the findings of the Court of Claims in the case of James A. Paulk.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,390 to James A. Paulk, of Bullock County, Ala., being the amount found due him by the Court of Claims on January 29, 1906.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN T. RIVETT.

The next bill on the Private Calendar was the bill (H. R. 23699) to grant to John T. Rivett the privilege to make commutation of his homestead entry.

The Clerk read the bill, as follows:

Be it enacted, etc., That John T. Rivett be, and he is hereby, granted the privilege at his option to make commutation of his homestead entry of the SW. $\frac{1}{4}$ of sec. 28, in T. 22 N., R. 50 W., sixth principal meridian, in the State of Nebraska, as provided by law for the making of commutation of homestead entries.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ORVILLE WRIGHT AND WILBUR WRIGHT.

The next business on the Private Calendar was Senate joint resolution 119, authorizing the Secretary of War to award gold medals to Orville Wright and Wilbur Wright.

The joint resolution was read.

The SPEAKER. Is there objection?

Mr. HACKNEY. I object.

Mr. MILLER. Mr. Speaker, I desire to ask unanimous consent to return to page 31 of the calendar for the purpose of correcting an error.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER. The bills, Calendar Nos. 1152 and 1153, were objected to at the time by the gentleman from Georgia [Mr. Edwards] under a misapprehension of the facts as to the nature of the bills. He afterwards withdrew the objection, but is not now on the floor of the House. We have since passed one bill of exactly the same kind coming from the Ways and Means Committee. I ask that these bills may now be passed.

The SPEAKER. The Clerk will report the bill.

COLUMBUS GAS AND FUEL COMPANY.

The Clerk read as follows:

A bill (S. 2911) for the relief of the Columbus Gas and Fuel Company. *Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of money not otherwise appropriated, to the Columbus Gas and Fuel Company, of Columbus, Ohio, successors to the Central Ohio Natural Gas and Fuel Company, of Columbus, Ohio, any statute of limitations to the contrary notwithstanding, the sum of \$1,820.81, the amount of taxes improperly collected by the United States under the war-revenue act of June 13, 1898.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

LOGAN NATURAL GAS AND FUEL COMPANY.

The Clerk read as follows:

A bill (S. 3748) for the relief of the Logan Natural Gas and Fuel Company, of Columbus, Ohio.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Logan Natural Gas and Fuel Company (Incorporated), of Columbus, Ohio, the sum of \$184.45, the amount of taxes improperly collected by the United States under the war-revenue act of June 13, 1898.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

LEVI J. BILLINGS AND HEIRS OF JAMES H. DOYLE.

Mr. HASKINS. Mr. Speaker, I ask unanimous consent to return to page 30 of the calendar and take up Calendar Nos. 1102, 1104, being the bills (H. R. 8739) for the relief of Levi J. Billings and (H. R. 21783) for the relief of the legal representatives of James H. Doyle, deceased.

The SPEAKER. Is there objection?

Mr. HACKNEY. Mr. Speaker, I object.

Mr. DALZELL. Oh, I hope the gentleman will withdraw his objection or withhold it for a moment.

Mr. HACKNEY. I object.

Mr. DALZELL. I do not believe the gentleman has read the report or else he would not object.

The SPEAKER. The Chair will state that we have concluded the calling of the Private Calendar, and this is a request for unanimous consent to return to certain bills indicated. Of course, objection would be in order if the gentleman desires to object.

Mr. HACKNEY. I demand the regular order.

Mr. HASKINS. Mr. Speaker, the regular order is finishing the Private Calendar.

The SPEAKER. The Chair is of opinion, under the terms of the order, which is that it shall be in order in the House, as in the Committee of the Whole House, to consider all bills on the Private Calendar to the consideration of which no objection is made, that bills having been called and objection being made, under the construction of that order it would require unanimous consent to return to them.

MILLE LAC BAND, CHIPPEWA INDIANS.

Mr. BEDE. Mr. Speaker, I have a bill which was passed without prejudice and not objected to—the bill (S. 5330) for the relief of the Mille Lac band of Chippewa Indians, in the State of Minnesota, and for other purposes—which I now call up and ask the Clerk to read.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Court of Claims be, and it is hereby, given jurisdiction to hear and determine a suit or suits to be brought by and on behalf of the Mille Lac band of Chippewa Indians, in the State of Minnesota, against the United States on account of losses sustained by them or the Chippewas of Minnesota by reason of the opening of the Mille Lac Reservation, in the State of Minnesota, embracing about 61,000 acres of land, to public settlement under the general land laws of the United States; and from any final judgment or decree of the Court of Claims either party shall have the right to appeal to the Supreme Court of the United States, and the said cause shall be advanced on the docket of the Court of Claims and of the Supreme Court of the United States if the same shall be appealed: *Provided*, That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to decree the fees to be paid to the attorney or attorneys employed by the said Mille Lac band of Indians, and the same shall be paid out of any sum or sums found due said band or to the Chippewa Indians of Minnesota.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

ADMINISTRATION OF JUSTICE IN THE NAVY.

The SPEAKER laid before the House the bill (H. R. 6252) to promote the administration of justice in the navy, with a Senate amendment thereto.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to dispense with the reading of the Senate amendment.

Mr. UNDERWOOD. I object to that. I think the amendment ought to be read.

The Senate amendment was read.

Mr. ROBERTS. Mr. Speaker, I move to disagree to the amendment of the Senate and ask for a conference.

Mr. UNDERWOOD. Mr. Speaker, I want to ask the gentleman from Massachusetts to explain, before the House disagrees to the Senate amendment, what is the difference between the Senate amendment and the House bill? Wherein do they differ?

Mr. ROBERTS. Mr. Speaker, I have not had an opportunity to compare the two bills sufficiently to indicate every point of difference. There are several vital points of difference, and one particularly in section 13, with regard to the use of depositions in court-martial cases. The House Committee on Naval Affairs considered that provision of the departmental bill very carefully, and we concluded it was not wise to allow unrestricted use of depositions in criminal cases.

The Senate bill which has just been read, and which was put on to our bill as an amendment, contains that provision with regard to the use of depositions, and it is largely for that reason that we desire to get the matter into conference to adjust that portion of the bill.

Mr. UNDERWOOD. I want to ask the gentleman if the Senate bill does not allow it to be optional with the defendant as to whether he shall be tried before a deck court-martial or a regular court-martial, and what provision has the House bill on that subject?

Mr. ROBERTS. There was a provision in each bill with regard to the rights of an enlisted man giving him a privilege of objecting to the deck court if he saw fit. As I say, Mr. Speaker, I have not compared the bills carefully enough as yet to say just wherein the two provisions with regard to that portion differ.

Mr. UNDERWOOD. The rights on that proposition are reserved in both bills.

Mr. ROBERTS. Oh, certainly; the rights of the enlisted men are reserved in both bills.

The question was taken, and the motion was agreed to.

The Chair announced the following conferees:

The Clerk read as follows:

Mr. ROBERTS, Mr. DAWSON, and Mr. PADGETT.

GOVERNMENT HOSPITAL FOR THE INSANE.

Mr. OLCOTT. Mr. Speaker, I ask unanimous consent to continue the remarks I made in regard to H. R. 12898 in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD upon the bill indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. OLCOTT. Mr. Speaker, on Friday, January 29, the gentleman from Florida [Mr. CLARK] made a speech on the floor of this House attacking the provisions of a bill which I introduced (H. R. 12898) to change the proceedings regulating the

admission of patients to the Government Hospital for the Insane, and also attacking the report of the special committee appointed in the Fifty-ninth Congress to investigate the management of the Government Hospital for the Insane, of which committee I had the honor to be chairman.

I greatly regret that the gentleman saw fit to make his speech during my absence from the House, especially in view of the fact that when the bill was on the calendar, on the 14th day of December, 1908, owing to the absence of the gentleman from Florida and at his special request, made through the gentleman from Indiana [Mr. Cox], that he would like to have consideration of the bill postponed until he returned to Washington, as he desired to speak upon it, I allowed the bill to go over until January 25, when the gentleman objected to unanimous consent to have the bill transferred to the Union Calendar from the House Calendar.

I did not intend to say anything in regard to the bill or in regard to the investigation made by our committee until the bill came up properly in the House; but on account of the remarks of the gentleman from Florida on Friday last, most of which are erroneously stated, I desire to place in the RECORD the reasons for the unanimous report of the Committee on the District of Columbia on the bill and certain facts in regard to the investigation, in order that Members of the House may be apprised of the true state of affairs before the bill comes up for consideration on the 8th of February.

It is true the gentleman from Florida introduced the resolution in the Fifty-ninth Congress for the appointment of a special committee to investigate the management of the Government Hospital for the Insane, and that he appeared before the committee on several occasions and made statements in opposition to the then and present superintendent of the hospital.

It appears from the remarks of the gentleman from Florida that he alone was disappointed because the committee, upon the evidence before it, saw fit to make a report which substantially found that the accusations made against the hospital and its superintendent were without foundation.

The bill which I introduced to change the proceedings for admission to the hospital was the result of the complete and exhaustive investigation which the special committee made both into the management of the institution and all of its branches, and the methods of commitment to the hospital which the committee found were conflicting and improper.

The bill was carefully drawn after a full examination into the laws of the various States of the Union in regard to the method of commitment of patients to hospitals for the insane, and it was fully discussed by a subcommittee of the Committee on the District of Columbia, the majority of whom are lawyers, and afterwards by the full committee, which made a unanimous and favorable report thereon.

The only difference that I can see between the gentleman from Florida and myself in regard to one of the most important features of the bill—that in regard to the commitment of patients without the formality of calling a jury unless demanded by the patient or one of his relatives or friends—is that the gentleman prefers to treat a suspected insane person as a criminal, while I and the committee insist that such insane person ought to be treated as a person suffering with a disease.

The gentleman remarked, under the heading "Some incidents of Doctor White's management and supervision," that over 30 witnesses testified to the failure of the superintendent to visit the buildings and inspect the wards for long intervals, but he gave the names only of 9 witnesses who so testified. Many, if not all, of these witnesses testified as to the careful and humane treatment of the patients and that the physicians connected with the hospital made daily visits to the patients in the various wards. Most of these witnesses complain of the long hours of work or charge the superintendent with favoritism of other employees over them; but the superintendents of other institutions who testified before the investigating committee swore that in every hospital for the insane the attendants are constantly complaining in regard to their hours of service and what they consider lack of sufficient help, and that they invariably criticize the superintendent for not allowing them greater liberties than those fixed by him for the good of the hospital.

To show how carelessly the gentleman from Florida examined the testimony given by these 9 witnesses, I will quote from their testimony, as follows:

C. W. Teates (p. 1258) testified that he thought that there should be more attendants at the hospital and (p. 1260) that the hours were too long. He also testified (p. 1262) that some of the attendants were careless, but that they were not cruel to patients. He further testified (p. 1259), in answer to a question as to how often the doctors came through the wards, that: "Doctor Glasscock came through twice a day and Doctor Stack

only once, but sometimes twice or three times, depending upon how many we had sick. We always had physicians there during the day some time." He also said (p. 1263) that the doctors were attentive to their duties.

T. W. Belt testified (p. 172) that Teates on many occasions ill treated patients.

Rose Herbert severely criticised Doctor White because other employees of the hospital were promoted to better positions than she had.

Mary McLaughlin testified that there was not sufficient help at the hospital, although the treatment of patients was very good. She complained of the long hours of service and criticised Doctor White accordingly.

Albert C. Hayden criticised the superintendent for not employing a greater number of attendants (p. 345), and made complaint in regard to "long hours" (p. 348).

C. J. Harbaugh complained of an "insufficiency of help" (p. 297), and said that patients were not treated cruelly (p. 297).

Arthur Nabors testified that patients were "treated all right" (p. 292). He complained of insufficiency of help and pay, and criticised Doctor White therefor (p. 294).

W. J. Lyon testified that he never saw patients abused (p. 1157). He also testified that Doctor Hummer was in charge of his ward (p. 1158).

Spencer Herbert, a witness, testified that Lyon had abused patients (p. 30). Lyon resigned (p. 1157).

Albert Ball complained of insufficiency of help in the kitchen (p. 289).

N. H. Harnish criticised Doctor White because a reduction was made in his salary from \$75 to \$60 per month (p. 1136).

These nine witnesses, with their grievances against Doctor White in one way or another, were particularly referred to by the gentleman in an attempt to strengthen his argument; but let us examine some of the testimony of other witnesses who perhaps are included in the balance of the 30 witnesses referred to by the gentleman, but whose names he omitted to mention.

Many of the witnesses testified as to the frequency of the visits of the superintendent to the various wards of the institution, for instance:

Philip J. Martin testified (p. 484) that the superintendent came through his ward every Sunday.

Joseph Klug testified (p. 107) that Doctor White came through his ward as often as the superintendent who preceded him.

Emma Butler testified (p. 1302) that Doctor White came through every Sunday.

Patrick Doody (p. 309) testified that Doctor White visited his ward frequently.

Dr. L. H. Taylor testified that Doctor White went over the hospital wards once a week.

Andrew Klug testified (p. 70) that Doctor White visited the wards, and stated, "I don't know whether he has been over while I was away or not."

Jessie Ferrall testified (p. 471) that Doctor White visited her ward frequently, and that Doctor Clark "comes through occasionally," but that Doctor O'Malley, a female physician at the hospital, "makes the regular rounds," she being the doctor in charge of the female patients.

Louise Hoy (p. 1173) testified that Doctor O'Malley visited her ward, which is a female ward, every day, but that Doctor White did not often go through that ward.

E. A. Jarrett (p. 377) testified that Doctor White visited his ward three or four times between the 11th of January and the 15th of May, while the witness was there, but he stated, "I am not there all the time."

Charles J. Burch testified (p. 631): "The superintendent comes into B building every Sunday, and he visits all the new patients and has quite a lengthy conversation with these new cases."

Mary Edwards, in charge of ward containing suicide patients, testified (p. 477) that Doctor White made a visit through her ward once a week.

Dr. B. R. Logie testified (p. 731): "Doctor White has no special days for visiting my ward. He comes over very often and goes through building R more frequently than he does any other building. Then he comes over and consults with me whenever I ask him to do so or when anything goes wrong in the department." He further testified (p. 717) that there were 371 patients under his charge.

D. J. Donohue testified (p. 278):

I have seen Doctor White go through my ward speaking to men of my ward. I have seen Doctor White and his assistant physicians visiting the Howard Hall on Sunday after Sunday. I have also seen the assistant physicians visiting the wards at all times during the day. I have seen

Doctor Swain; he came at all hours—in fact, he would come often when you least expected him. I have seen Doctor Fitch at all times going on the wards.

Roger Cullinane testified (p. 285): "I have generally seen him [Doctor White] go through there on Sundays." He also testified that a physician went through his ward every day.

There are many other instances in the testimony which prove the statements of the gentleman from Florida to be erroneous, and, as I before stated, most of the people who testified as to the infrequent visits of the superintendent had some personal grievance against him. It should also be remembered that the individual attendants are on duty for a short part of the day only, and therefore they are not able to testify how often during the twenty-four hours of the day the superintendent or the physicians went through their respective wards. Some of the attendants work in the daytime and others in the nighttime.

The charge that the gentleman makes in regard to the number of witnesses who testified that the food was not good is also incorrect. On the contrary, the great majority of the witnesses testified that the food was good and wholesome; but of course some of the witnesses, including patients and attendants, had made complaints in regard to the character of the food and the method of cooking it. The committee found that now and then complaints had been made by patients and attendants in regard to the food in most of the institutions of this character. A reference to the index of the testimony at page 1873 will show just exactly how the witnesses testified in regard to the food. The bill of fare used in the hospital will be found at page 522 and page 723.

In a large institution of this kind it will sometimes happen that the food will not be properly cooked. A careful reading of the report of the committee at page 13, under the subdivision "Sixth. As to food," will show how exhaustively the committee examined into this question.

In regard to the charges of cruel treatment of patients, they were made in almost every case by a patient, a discharged patient, a discharged employee, or an employee with a grievance against the superintendent of the hospital, and the committee gave this kind of evidence careful consideration. But I desire to call the attention of the House to the character of the testimony of some of the witnesses who were called to prove the charges of abuse of patients. Among these are a number of witnesses mentioned in the gentleman's remarks.

Cornelia L. Corbett, a patient, was called as a witness and testified (p. 137). This witness complained in regard to her commitment and testified that she was not insane. When asked her reason for appearing at the hearing, she said: "I came as a voluntary witness to state what I witnessed while I was there." As a matter of fact, the people who sought to prove these charges called this patient as their witness.

Roger J. Cullinane (p. 285) testified that he was employed as attendant in charge of White Ash ward, where patients were a violent class; that patients were always treated well. "We didn't have no straps after Doctor White came there," nor were patients restrained in that ward, but "would sometimes lock them up;" that strait-jackets were never used nor were patients abused. Although this witness was discharged from the hospital and called to support the charges of abuse of patients he very positively stated that he never witnessed any such abuses. This is the kind of testimony that should be given credence.

Lloyd Green, another witness called to support the charges, testified that he was discharged for being asleep while on duty, but that he never witnessed any abuse of patients (p. 268) although he had been employed there for about six months. He also testified that patients were treated well. Is not this testimony more worthy of belief than that given by people who are unfriendly to the superintendent?

James Albert Ogden, another discharged attendant (p. 261), called to support the charges, testified that he never saw patients mistreated, but that he had "trouble in handling them a little rough sometimes; but we never struck them or anything like that. * * * We was always very careful; everybody I ever saw was just as careful as they possibly could be."

The committee hesitated to believe the testimony given by certain witnesses, formerly attendants, who were hostile to the superintendent, and some of whom were discharged for cruelty to patients. The following is a brief analysis of such testimony:

Bernard Allen, who is designated in the gentleman's remarks (p. 197), testified that the abuse he witnessed was the placing of strait-jackets on patients, which, he said, was necessary in some cases and in other cases because of lack of attendants; that he was discharged for "refusal to take a wheelbarrow and clean up around the buildings," although the records of the hospital show that he was discharged for insubordination (p. 403).

Owen S. Allen (p. 231) testified that he had struck patients in self-defense, to protect himself. "Often, you know, they would become unruly, and I would have to do the best I could. * * * I would have to take them and throw them in a room and lock them up." He admitted (p. 234) that this abuse was not done for vindictive purposes, but only in order to protect himself; that he and other attendants meant to be kind to patients. He also testified that he was discharged for sleeping while on duty. The hospital records show (p. 414) that he was discharged for neglect of duty and the use of intoxicating liquors on the hospital grounds.

Townsend Belt (p. 170) testified that patients were abused; that he was "fired because I went to see the committee of the Medico-Legal Society," but he admitted that he was charged with being asleep while on duty. The hospital records show, however, that Belt was discharged for being asleep while on duty and for being under the influence of liquor.

Joseph W. Belt (p. 327) testified that an attendant named Hawkins would abuse patients by striking them with a piece of insulated wire and that it happened on several occasions, and, although he was employed from October, 1903, to January, 1906, when he was discharged, he could not remember the names of the patients struck, except one named "Rube." He also said he was working under Hawkins and that he did not know why he had been discharged. Hawkins was before the committee and positively denied Belt's charges, and further testified that Belt was never under him as an attendant (p. 713).

Milton Berry (p. 1056) testified that he saw patients abused and that he "only seen them treated rough in case of necessity where they would have to be treated so in case of self-defense. * * * I have seen them towed, but only to subdue them when they couldn't manage them." He also stated that he himself struck patients in self-defense "only when it was necessary, and I didn't have proper help to handle them otherwise." He admitted that he never reported attacks of attendants on patients, in accordance with the rules and that they never used strait-jackets on his ward, although he had much trouble with patients and that patients were not cruelly treated "unless it was necessary to protect the attendant." He admitted that he was discharged.

Spencer Herbert (p. 27) testified as to abuse of patients, but admitted that he never reported such abuses, as the rules prescribed; that he saw but one patient "strapped in bed" and that he supposed the patient was dangerous; that strait-jackets were used on patients, but that they were not painful. This witness admitted that he made an affidavit at the request of Doctor Emmons, who was one of the persons who instigated the charges; that he read it over before signing it; and when his attention was called to the fact that in such affidavit he swore that he saw "patients" strapped in bed, he said he meant to say that he saw only one patient strapped. The hospital records (p. 404) show that this witness was discharged for being absent without leave.

Thomas L. McMurray (p. 35) testified as to many cases of abuses of patients, although he admitted that he never interfered with nor reported such cases to the superintendent, as he should have done under the rules. He said he was discharged, the charge being "an act with intent to strike a patient, and for excessive use of material." The hospital records show (p. 411) that this witness was discharged for excessive use of material. The charges of abuse of patients were denied by the testimony of Maenche, the foreman of laundry, where McMurray was employed (p. 1390). Charges of excessive use of material, absence from duty without leave, threats to do bodily harm to patients, and ignoring special order of superintendent were also filed against him by Maenche, among other things. These charges were substantiated by the sworn statement, taken from the hospital records, of Harry Eno (p. 412). There is also a letter on the records from his former employer stating, among other things, that he could never be relied upon, because of insobriety (p. 413).

Patrick O'Connor (p. 176) testified that he saw one case of cruelty, that of Attendant Eugene Skinner "striking and choking a patient," but admits that he did not report the case. This was positively denied by Skinner (p. 1462). O'Connor admitted that he was discharged for disobeying orders of the superintendent.

Clarence Pendleton (p. 1032) testified as to abuse of a patient by an attendant named Lloyd, and also other abuses. He admitted that he himself had struck patients, but only in self-defense, and that he was discharged from the hospital for refusing to work on wheelbarrows. Burch, a supervisor, testified (p. 635) that Pendleton was discharged for refusing to take the patients out and clean around the buildings. Lloyd denied Pendleton's charges (p. 1501).

Thornton O. Pyles, a very troublesome employee, and a man who was constantly complaining to the superintendent about long hours of work, lack of attendants, and various other things, and the man who was engaged to assist the people who made the charges, testified that patients were abused by use of strait-jackets; that he put them on patients himself, and that it was necessary in many cases, in order to prevent the patient from hurting himself and because of the insufficient number of attendants to care for the patient (p. 81). Pyles was employed at the hospital for more than two years, and testified that he saw many cases of cruelty, but when asked to specifically state a particular case or give a name he could "not just recall any particular case" (p. 89); that patients would abuse each other; that attendants would strike patients in self-defense, but that "he could not positively say" that he ever saw an attendant voluntarily knock a patient down. Pyles also testified that he saw bed saddles, and assisted in using them upon patients, but that "it was done as gently as possible," and that it was not painful. Chappellear, a witness and former attendant who resigned, testified that he saw Pyles strike patients (p. 1501). Pyles also testified that he was discharged for presenting a petition to board of visitors, but the hospital records show that he was discharged for conduct prejudicial to the good order of the hospital and to the interests of the service (p. 402). Pyles was present at nearly all of the hearings and was busily engaged in attempting to prove charges by the aid of attendants and discharged attendants. The committee concluded that the testimony of this witness was not worthy of consideration, but the gentleman from Florida considers Pyles's testimony as of the greatest importance.

The evidence shows, beyond a doubt, that whenever charges of abuse of patients were made against attendants an investigation was had in every case and, wherever proved, the attendant was dismissed.

This is the character of testimony upon which the gentleman bases his argument in regard to abuses of patients at the Government Hospital for the Insane. The committee went over all of the evidence with great care and found it necessary to eliminate some of the testimony given by witnesses which was so strongly contradicted by others, and especially in the cases of those witnesses who were former employees of the hospital and were discharged for good reason.

The testimony also shows that the following attendants were summarily dismissed for violation of the hospital rules, and especially upon the charge of abuse of patients:

Acton, Bernard Allen, Owen S. Allen, Baldwin, Barnes, Joseph W. Belt, Townsend W. Belt, Berry, Bowen, Cullinane, Green, Hall, Herbert, Hill, Hodges, Mayfield, McMurray, O'Connor, Ogden, Pendleton, Penn, Pyles, Satterfield, Spencer, Tennyson, Weedon, Wilson.

A reference to the index of the testimony, at page 1943, will give some valuable information on this subject.

On page 1953 of the report will be found the names of witnesses, both patients and attendants, who testified in regard to the kind and humane treatment of the patients at the hospital. These witnesses number more than 70.

The committee also heard the testimony of the superintendent, the members of the medical staff of the hospital, and a large number of attendants, all of whom denied in positive terms that the patients were abused.

The rules of the hospital provide for the discharge of employees who are found to have abused the patients. These rules make it imperative for the employees to report any cases of abuse of patients to the superintendent. Several of the witnesses admitted, however, that every once in a while an attendant would abuse a patient, but that in every case where such conduct on the part of an attendant was brought to the attention of the superintendent the matter was promptly investigated, and where the charge was proven the attendant was discharged.

It is reasonable to suppose, after reading the testimony given by the superintendents of the state hospitals who appeared before the committee, that in every institution for the insane an attendant will be found who, for some reason or other, will assault a patient, but it was the opinion of the committee that such manner of abuse is not tolerated when found out. These superintendents also testified that attendants who have a tendency to abuse patients have no difficulty in obtaining employment at other institutions, and that in some cases it is exceedingly hard to get a good class of attendants, but that they have to take those who make application for the position who seem to be qualified to handle and care for insane persons, because of the fact that people do not care to seek employment at institutions for the insane.

It is also reasonable to suppose that upon the least provocation, from conversations had with patients or some other source, relatives of patients will frequently imagine and charge that gross abuse is done them.

One case presented itself in this investigation which can be taken as a good illustration of this:

Nannie H. Griffin, daughter of Cecelia J. Griffin, a patient, testified that her mother was abused and mistreated by physicians and attendants (p. 489), and similar testimony was given by another daughter, Jennie H. Cole (p. 51). A son of the patient, Milton E. Griffin, however, testified (p. 789) that his mother received kind treatment and that he had no complaint to make. He said that he "never saw any evidence of cruel treatment of any patient," although he visited the hospital every week. The sisters testified that their mother had received a fracture of the ribs caused by carelessness of attendants, while the son testified that she received the fracture from a fall while carrying a blanket, and that the accident was unavoidable.

The gentleman, in his remarks, refers to the testimony of Jennie H. Cole, but very carefully omits mention of the testimony of her brother, Milton E. Griffin, who strongly contradicted her.

How can the gentleman state that over 60 witnesses testified to the cruel and brutal treatment of patients, when the reverse is the fact, as shown by the evidence? The gentleman lays great stress on the testimony of the witnesses Burroughs, Pyles, McKnight, Berry, Pendleton, Bernard Allen, and Thomas Seaton. If any fair-minded man would take the trouble to read the testimony given by these witnesses whose names I have just mentioned, and then read the contradiction of their testimony by disinterested witnesses, I am sure he will wonder why so much importance was given to this testimony in the gentleman's remarks.

As a complete answer to the statements made by the gentleman from Florida, in regard to the investigation of the Government Hospital for the Insane, I desire to read and insert in the RECORD, as part of my remarks, the report of the special committee to investigate the charges against the hospital.

INVESTIGATION OF GOVERNMENT HOSPITAL FOR THE INSANE.

Mr. OLCOTT, from the Special Committee on Investigation of the Government Hospital for the Insane in the District of Columbia, submitted the following report:

To the House of Representatives:

The special committee appointed by the Speaker of the House, pursuant to House resolution No. 277, on April 21, 1906, as follows:

"Resolved, That the Speaker of the House of Representatives be, and he is hereby, directed to appoint from the membership of the House a committee of five, with full power and whose duty it shall be to make a full and complete investigation of the management of the Government Hospital for the Insane and report their findings and conclusions to the House; said committee is empowered to send for persons and papers, to summon and compel the attendance of witnesses, to administer oaths, to take testimony and reduce the same to writing, and to employ such clerical and stenographic help as may be necessary, all expenses to be paid out of the contingent fund of the House," hereby respectfully submits its report.

In pursuance of said resolution the Speaker appointed as such committee Messrs. OLCOTT, SMYER, BARCHFIELD, HAY, and PADGETT.

On May 1, 1906, the committee organized, and on May 2 visited the Government Hospital for the Insane and made a personal inspection thereof.

Notifications to attend the first hearing were given to Hon. FRANK CLARK and Hon. WILLIAM SULZER, Members of the House of Representatives, who had spoken on behalf of those who had made charges against the institution, and who had appeared before the Committee on Rules prior to the time when the resolution was reported from that committee. Notices of the first hearings were also sent to Dr. C. M. Emmons and Mr. Richard P. Evans, representing the Medico-Legal Society.

On May 4, 1906, public hearings were begun. On May 7, 1906, Hon. ROBERT M. WALLACE was appointed a member of the committee, vice Hon. L. P. PADGETT, resigned. No other changes have been made in the committee since its appointment.

The committee at its first hearing decided that the investigation should cover a period of time beginning October 1, 1903, the date of the appointment of Dr. William A. White as superintendent.

From May 4, 1906, to June 28, 1906, the committee held 33 public hearings, and on November 26, 27, and 28 visited the Central Islip State Hospital and the Manhattan State Hospital, in New York. A further public hearing was held on December 13, 1906.

At the first hearing the committee gave notice to Doctor Emmons and Mr. Evans, representing the Medico-Legal Society, that the committee desired to examine any witnesses named by them who could shed any light upon the charges which had been preferred, and requested them to furnish a list of witnesses they desired to have examined. A list of witnesses was furnished to the committee by these gentlemen, and such witnesses were examined.

In the examination of witnesses great latitude was given, and wherever practicable all questions suggested by the representatives of the Medico-Legal Society or persons interested in making charges against the hospital were propounded to the several witnesses. The rules of testimony in legal proceedings were not followed, the committee believing that the intent of the resolution was that a thorough investigation of all matters connected with the hospital should be had.

There were examined under oath some 287 witnesses, a great number of whom were called at the request of those who had made the charges. The others were persons who had been or were employees in the hospital, persons with whom the hospital had business relations, and a number of disinterested persons, including superintendents of

institutions of similar character throughout the country and officials connected with boards of lunacy in States of the United States.

The several superintendents who were examined were all requested to make, and did make, an examination of the Government Hospital for the Insane before giving their testimony.

Notwithstanding the main desire on the part of the Members of the House of Representatives asking for the investigation was to cause an investigation of the charges of cruelty and ill treatment only, the committee went thoroughly into the entire question of the management of the hospital and all matters relating thereto, as directed by the resolution.

The committee submits with its report the printed copy of the testimony, which, with the index, aggregates 2,010 pages, and a digest of the evidence. The committee therefore does not deem it necessary further to present details of such evidence, except to refer to some of the prominent facts bearing upon specific subjects of inquiry.

THE GOVERNMENT HOSPITAL FOR THE INSANE.

The hospital was created and is governed by laws passed by the Congress of the United States, now contained in the Revised Statutes, sections 8409 to 8444. (See record, p. 1786 et seq.)

The statutes provide that there shall be in the District of Columbia a government hospital for the insane, the objects of which shall be the most humane care and enlightened curative treatment of the insane of the Army and Navy of the United States and of the District of Columbia; that there shall be a chief executive officer of the hospital, called a "superintendent," appointed by the Secretary of the Interior, who shall be entitled to a salary of \$4,000 a year; that the superintendent shall give bond for the faithful performance of his duties, shall be a well-educated physician, possessing competent experience in the care and treatment of the insane, who shall reside on the premises and devote his whole time to the welfare of the institution, and, subject to the approval of the board of visitors, engage and discharge all employees and determine their wages and duties; that he shall be the responsible disbursing agent of the institution and ex officio the secretary of the board of visitors.

The superintendent is directed to make an annual report to Congress at each regular session, which shall show in detail the receipts and expenditures for all purposes connected with the hospital for the fiscal year preceding such session. A board of visitors is provided for, consisting of nine citizens of the District to be appointed by the President, which board shall select its own president, and, subject to the approval of the Secretary of the Interior, make any needful by-laws for the government of themselves, of the superintendent and his employees, and of the patients not inconsistent with law. It is provided that the board of visitors shall visit the hospital at stated periods and exercise so careful a supervision over its expenditures and general operations that the Government and community may have confidence in the correctness of its management, and that they shall make annually to the Secretary of the Interior a report for the preceding fiscal year, setting forth the condition and wants of the institution.

Under the statutes the superintendent, upon the order of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Treasury, shall receive and keep in custody until cured, or removed by the same authority which ordered their reception, insane persons of the following descriptions: First, insane persons belonging to the Army, Navy, Marine Corps, Revenue-Cutter Service, and Public Health and Marine-Hospital Service; second, civilians employed in the Quartermaster's, Pay, and Subsistence departments of the Army who may be or may become insane while in such employment; third, men who, while in the service of the United States, in the Army, Navy, or Marine Corps, have been admitted to the hospital and have been thereafter discharged from it on the supposition that they have recovered their reason, and have, within three years after such discharge, become again insane from causes existing at the time of such discharge and have no adequate means of support; fourth, indigent insane persons who have been in either of the said services and been discharged therefrom on account of disability arising from such insanity; fifth, indigent insane persons who have become insane within three years after their discharge from such service from causes which arose during and were produced by said service.

In 1884 a statute was passed, now section 8416 of the United States Revised Statutes, providing that—

"Any inmate of the Soldiers' Home who is now or may become insane shall, upon an order of the president of the board of commissioners of the Soldiers' Home, be admitted to said hospital and treated therein; and the expenses of maintaining any such person shall be paid from the Soldiers' Home fund."

Section 8417 provides that—

"Any inmate of the National Home for Disabled Volunteer Soldiers, who may become insane, shall, upon an order of the president of the Board of Managers of the said National Home, be admitted to the Government Hospital for the Insane and treated therein * * *"

Section 8418 provides that—

"Upon the application of the Attorney-General, the Secretary of the Interior is authorized and directed to transfer to the Government Hospital for the Insane in the District of Columbia all persons who, having been charged with offenses against the United States, are in the actual custody of its officers, and all persons who have been or shall be convicted of any offense in a court of the United States and are imprisoned in any state prison or penitentiary of any State or Territory, and who during the term of their imprisonment have or shall become and be insane."

Section 8419 provides as follows:

"If any person, charged with crime, be found, in the court before which he is so charged, to be an insane person, such court shall certify the same to the Secretary of the Interior, who may order such person to be confined in the Hospital for the Insane, and, if he be not indigent, he and his estate shall be charged with expenses of his support in the hospital."

Section 8420 provides for the transfer of insane prisoners to state hospitals when there shall not be accommodations for such persons at the government hospital.

Section 8421 provides for the return of insane convicts restored to sanity to the prison from which the transfer was made. Section 8422 provides for the delivery to the court of insane criminals or persons charged with a crime and who have been restored to sanity. Section 8423 provides that an insane person not charged with any breach of the peace shall never be confined in the United States jail in the District of Columbia.

Section 8424 provides as follows:

"All indigent insane persons residing in the District of Columbia at the time they become insane shall be entitled to the benefits of the hos-

pital for the insane, and shall be admitted upon order of the Commissioners of the said District, which may be granted after due process of law, showing the person to be insane and unable to support himself and family or himself, if he has no family, under the visitation of insanity: *Provided*, That one-half of the expenses of the indigent patients from the District of Columbia shall be reported to the Treasury Department and charged against the appropriations to be paid toward the expenses of the District by the General Government, without regard to the date of their admission."

Sections 8425 to 8441, inclusive, providing for the admission and commitment of patients and the method of procedure in such cases, are conflicting and vague. The whole subject, however, is fully discussed on page 44 hereof under the head of "Commitment."

Section 8442 provides for the manner of disbursement of moneys appropriated by Congress for the support of the hospital. Section 8443 provides for the sale or exchange of surplus products and waste material of the hospital. Section 8444 provides for the receipt and disbursement of private funds of patients.

First. As to the superintendent.—From a personal examination of the hospital and a careful investigation of its management under Dr. William A. White, superintendent, from Doctor White's own testimony and that of his medical staff, from the testimony of the attendants formerly in the employ of the institution and now employed, from the testimony of the superintendents of other similar institutions, and of other persons having knowledge of the needs of hospitals for the insane, it is the opinion of the committee that Dr. William A. White is fully qualified for the position of superintendent, is an able and distinguished alienist, and an efficient, honest, and progressive manager of all of the several branches of the hospital, and a careful and humane care taker of the patients in his charge; that he conducts the business affairs of the institution and looks after the medical and physical affairs of its inmates well and faithfully, and fills all the requirements of the statutes.

Doctor White became superintendent of the Government Hospital for the Insane on October 1, 1903, succeeding Dr. A. B. Richardson. Since he assumed the office he has systematized the method of promotion, and has made a gradual increase of the salaries of the attendants; he has created the position of clinical director, the occupant of which, among other things, has charge of all of the daily records of the patients in the institution, and in this connection has not only adopted a complete system of clinical records, but has caused to be prepared such a record of every patient in the hospital from the time of his admission; he has created the position of matron, the position of storekeeper, the position of librarian, and the position of assistant in the pathological department, all of which have materially benefited the institution and its patients. Upon his recommendation, the board of visitors approved of the appointment of a woman physician to have especial charge and supervision of the women's department of the hospital. He also instituted a system of examinations of attendants about to enter the training school, so that the standard of nurses graduating therefrom would be superior to that which obtained at the time he became superintendent.

He also, on January 27, 1904, less than four months after assuming his position, issued an order to the medical staff directing the discontinuance of the so-called "bed saddle" as a means of mechanical restraint.

He has, so far as the management of the buildings would permit, separated the various classes of patients—tubercular, epileptic, and criminal insane. As far as practicable, the white and black patients have been separated in their several classes.

He has inaugurated the system of the holding of meetings of the medical staff every Sunday, at which meeting scientific questions affecting the interests of the institution are discussed.

He has created and caused to be installed a system of hydrotherapeutic treatment of patients, which tends to do away with the necessity of the use of mechanical restraint in many cases.

The hospital maintains three hydrotherapeutic departments for the treatment of recent cases of mental disease and such other diseases as are known to be benefited by the systematic use of water. These departments are installed in the buildings set apart for the reception of acute cases, namely, acute psychopathic ward for white men, for white women, and for colored women, and consists of waiting rooms, a number of dressing rooms, rooms for the administration of packs, and douche rooms. The douche rooms are thoroughly equipped with the most modern apparatus and appliances used in the administration of water in the treatment of disease. The douche table is so constructed that its supply of hot, cold, and ice water is sufficient for all requirements, and the temperature of the water can be easily and quickly regulated to each degree and the pressure to each pound by means of a system of stopcocks. These rooms also contain hot-air cabinets, massage tables, sitz-bath tubs, etc.

The hospital is so completely and thoroughly equipped that the bath-room operators can carry out the hygienic prescriptions given by physicians in charge of the departments for each individual case. Treatments are given daily to a large number of patients consisting of ablutions, affusions, sheet baths, drip sheets, wet packs (cold, warm, hot), full baths (cold—with friction—warm, hot), full baths (continuous), sitz baths, hot-air baths (local and general), medicated baths and douches (needle, rain, fan, spray, jet, spinal, and Scotch).

Plans and specifications for continuous baths in this department have been passed upon, and in a short time the system will be installed in conjunction with the acute services for men and women, thus enabling the hospital to avail itself of a form of treatment that has come to be recognized as the most modern method of administering treatments in connection with acute and violent cases of insanity.

Second. As to the medical and consulting staffs.—Of the efficiency of the medical staff there can be no doubt. The staff is composed of men who, without exception, are fitted for their duties, have proper training and education to meet the requirements of their several positions, and from the testimony the committee believes that they labor earnestly and properly care for the protection and welfare of the patients.

The work of these gentlemen is arduous. They live on the institution grounds, and are practically constantly on duty. One of them, the night medical officer, is actually on duty every night from 9 p. m. to 7 a. m., and visits the various wards during that time. He is always on call and can be found in case of disturbance in any of the wards by telephonic communication. In case of emergency he can summon other physicians.

The physicians are appointed after a competitive civil-service examination.

There are 15 physicians, including the superintendent, on the staff, assigned to the various departments. They are entitled, with their families, to maintenance at the hospital, which the committee thinks is

proper and similar to arrangements provided for in many other institutions.

To show the standing of the several members of the medical staff, it should be mentioned in this report that they hold positions in medical schools and colleges as follows:

Dr. William A. White, superintendent, is professor of nervous and mental disease in Georgetown University and professor of mental disease in George Washington University. Dr. I. W. Blackburn, pathologist, is professor of morbid anatomy in Georgetown University and in George Washington University. Dr. Charles H. Clark, clinical director, is professor of nervous disease in George Washington University. Dr. Shepherd I. Franz, psychologist, is professor of physiology in George Washington University. Dr. William H. Hough, junior assistant physician, is lecturer on medical zoology in Georgetown University.

The above-named officers of the Government Hospital for the Insane conduct weekly clinics at the hospital. These are attended by students from George Washington and Georgetown universities and from the United States Naval School and the United States Army School.

Doctor Blackburn, in charge of the pathological department, is a well-known pathologist, and there is no doubt that the work which he performs is important from a scientific standpoint. This department is devoted primarily to the study of the lesions of the brain and other organs associated with mental disease. It has three divisions, namely: (1) The division of morbid anatomy and pathological histology; (2) the division of clinical pathology, and (3) the division of photography.

The department of morbid anatomy has a well-equipped autopsy room, with an amphitheater seating about 40 students. Here are given weekly demonstrations in autopsy work and morbid anatomy to the students of the medical departments of Georgetown and George Washington universities and to the training school for nurses of the hospital. This department has a museum in which are preserved all important pathological specimens, now numbering considerably over 1,000. The pathological histology is conducted under this division with an excellent equipment of modern instruments.

In the division of clinical pathology are made the necessary examinations for aid in diagnosis and for clinical study of the cases, and the results are filed with the case records.

In the division of photography the photographs of the patients are taken on admission and at times during the progress of the disease. These are filed with the case records and kept for reference. An important feature of this division is the photography of pathological specimens, and of these the hospital has a large collection.

The consulting staff of the hospital consists of eminent physicians in the District of Columbia, and many of them have given testimony as to their visits and treatment of patients. There is no doubt as to their efficiency.

The surgical department is also worthy of note. It has an operating amphitheater with a seating capacity for about 60. Adjoining this room and to the rear are the surgeon's room, room for instruments and dressings, and the anesthetist's room. This department is thoroughly modern in all its appointments, the operating room being especially well equipped. The floor is of white tile, the wainscoting of white Italian marble, and the side walls and ceiling white enameled. The room is equipped with a dressing sterilizer, instrument sterilizer, sterilizers for hot and cold water, an instrument case, operating table, instrument tables, and all the various accessories necessary for a well-equipped operating room.

Surgical clinics are held frequently, and in many instances physicians and medical students of the city have attended. This amphitheater is also used in connection with the training school for nurses, recitations and demonstrations being frequently held there.

Since the investigation the committee has been informed that the superintendent has appointed a psychologist for special research work in the realm of abnormal psychology. The laboratory has been equipped with about \$3,000 worth of modern psychological apparatus and appliances, and is sufficiently well installed to take up any line of work in this field.

The psychologist is at present at work in connection and collaboration with the clinical department in outlining systematic and uniform methods of clinical examination into the mental condition of patients for the purpose of greater uniformity in the records, and also of rendering them more useful for purposes of study, statistical or otherwise.

Third. As to the charges of cruel treatment and abuse of patients.—It must be remembered that these charges have been made in almost every case by either a patient now in the hospital, a patient who for one reason or another has been discharged, or by a discharged or resigned employee. The committee has heard everything that can be said by all of the witnesses of any of these classes, and has given due weight to their testimony. There unquestionably have been some cases of cruelty to patients by attendants, but in no case was this sanctioned by the superintendent of the hospital or any of the medical staff; but, on the other hand, most of the witnesses have testified that upon accepting their service the strictest injunctions were given to them by either the superintendent or some of the medical staff against harshness in the treatment of patients, and also that a printed book of rules and regulations embodying such direction was given or read to them at the beginning of their employment. Such rules are printed in the record. Not only this, but the testimony is practically unanimous that a violation of such rules was met by prompt punishment, usually by the immediate dismissal of the attendant. The testimony also shows that the following attendants were summarily dismissed for violating the rules of the institution, and particularly for abuse of patients:

Acton, Bemont Allen, Owen S. Allen, Baldwin, Barnes, Joseph W. Belt, Townsend W. Belt, Berry, Bowen, Cullinane, Green, Hall, Herbert, Hill, Hodges, Mayfield, McMurray, O'Connor, Ozden, Pendleton, Penn, Pyles, Satterfield, Spencer, Tennyson, Weedon, Wilson.

When reasonable proof of cases of cruelty has been given to the superintendent or any of his staff complaint has been made to the authorities of the District, and criminal prosecutions have been instituted at the instance of the authorities of the hospital. The average number of patients is 2,600, and of attendants who come into actual contact with patients about 300. Considering these numbers the cases of cruelty alleged are few, and the committee is of the opinion that the general treatment of the patients in the institution is satisfactory.

Superintendents of other institutions have testified that unfounded complaints of harsh treatment of patients are frequently made in most institutions for the care of the insane by the patients themselves or by their relatives.

Isolated instances where charges of cruelty have been made can be cited, but the majority of witnesses, even though criticising the retention of particular patients in the institution and complaining about the food, etc., have said that the treatment of the patients was good.

Testimony has also been given as to specific cases of abuse of patients by attendants, but in almost every one of these cases the charges have been denied in positive terms by the attendants who were charged with such abuse or by the physicians of the hospital or other employees. Among charges that were made was that of giving patients food by means of a feeding tube, used as a method of punishment. This is not only disproved, but the testimony which sought to show this was the case was absurd.

As to the charges of so-called "towelings" of patients, there is no proof as to this alleged method of abuse. Although the witness, Otis A. Wilson, a discharged attendant, swore that he himself towelled patients, from his manner and contradiction of his own statements the committee is of opinion that this testimony is unworthy of serious consideration.

As to the charges made in regard to improper bathing of patients in the same water that had been used by other patients, it appears from the testimony that in one or two instances this had been done, but that the rule of the hospital was against it and that the rule was usually maintained. Such charges were made by two patients and two discharged attendants, and their testimony was denied by a number of witnesses. The committee therefore believes that these charges have no foundation.

After a careful examination into the charges of the abuse of patients and consideration of the testimony adduced in connection therewith, and having in mind the demeanor of the various witnesses while on the stand, the committee is of the opinion that such charges have not been sustained by the testimony.

The testimony not only of Doctor White and the gentlemen connected with his medical staff, but also of the superintendents of the institutions throughout the country, is that it is a matter of great difficulty to obtain a proper class of attendants in institutions for the insane, but that the superintendent exercises care in their selection.

Fourth. As to methods of restraint.—In the charges much talk was heard of strait-jackets. Strait-jackets in St. Elizabeth's Asylum do not exist, and have not for many years. On rare occasions a garment called a "camisole" is used, which consists of a canvas jacket which is laced in the back and which has long sleeves. When a patient becomes so violent that he seeks to do damage either to himself or another patient this camisole is placed upon him, so that the use of his arms is curtailed and the damage which he seeks to do, either to himself or to others, is made impossible. In the government hospital this has been used on a few occasions, but never without the direction of a physician, and then only when it was necessary for the protection of life or limb. This method of restraint is used at other institutions, some superintendents having testified that it was a method of treatment rather than abuse. With two exceptions, superintendents of other institutions said that it was necessary for the good of the patient to use some method of restraint.

The committee is convinced from the testimony that Doctor White since his appointment has made possible the lessening of this and other methods of restraint by the institution of the hydrotherapeutic treatment above described.

As to bed saddles, the use of these was discontinued upon the order of Doctor White shortly after he took office, to wit, on January 27, 1904.

As to handcuffs or straps: During the time that the members of the committee visited the institution handcuffs were used on one individual confined in the criminal ward. The handcuffs consisted of leather wristlets connected by a strap, which could under no circumstances have given any discomfort or pain to the patient. This method is proper, especially in homicidal cases.

The sheet rest is a method of tying in bed a patient whose restlessness makes it possible, if not probable, that he may fall out of bed and seriously injure himself.

As before stated, none of these is ever applied except upon the immediate direction of a physician, and then only in cases of necessity for the welfare of the patient.

The witnesses Dr. George A. Zeller and Dr. William F. Drewry, superintendents of institutions for the insane, testified as to the non-use of mechanical restraint at their respective hospitals, and stated that it was their opinion that such restraint was not necessary. There was also submitted a list of institutions, nine in number, at which it is claimed that the use of mechanical restraint is prohibited.

The committee, however, went into this question with great care and took much testimony thereon. From an examination of such testimony and after a personal inspection of the Government Hospital for the Insane, as well as several other hospitals, it not only approves of the present methods of restraint at the Government Hospital for the Insane, but deems it essential for the benefit of the patient himself and for the prevention of harm to other patients or attendants.

Fifth. As to attendants.—Altogether there are approximately 700 employees in the hospital, and of these about 300 come in contact with the patients. They work in two shifts. The attendants are on duty from 6 o'clock in the morning until 5 in the evening one day and from 6 o'clock in the morning until 8 o'clock in the evening the next day—that is, eleven hours one day and fourteen hours the next. Each of the attendants gets half a day off once a week. They get one Sunday every three weeks. The exact amount of time that they are on duty can be best described from the testimony of Doctor Clark, appearing at page 510 of the record. In forty-two days, or six weeks, each attendant is entitled to two Sundays. Six of the remaining forty days they work six hours, and the balance of thirty-four days they work fourteen hours, and an average of eleven hours the other seventeen. In other words, they work about an average of eleven hours a day—that is, without including vacations. They receive every third holiday and fifteen days vacation with pay.

All of the superintendents from other hospitals testified in regard to the hours of work, and it has been found that the average time in the several institutions is greater than that in the Government Hospital for the Insane. One of the institutions has three shifts of eight hours each, but the consensus of opinion of all the superintendents, with one exception, is that the eight-hour system is impracticable and that the result of having three shifts instead of two shifts is prejudicial to the interests of the patients. The superintendents agree that greater success is obtained by having a few attendants in charge of particular patients as is possible, as the patients become attached to the attendants and become disturbed at frequent changes of them.

It is proper here to state, for the purpose of comparison, the situation existing at some of the hospitals, taken from the testimony.

At the state hospital at Columbus, Ohio, and the Massillon state hospital of Ohio, the hours of service of attendants are materially longer. At the Manhattan state hospital at Wards Island and the Central Islip state hospital, and all of the other New York state hospitals, the time of work is thirteen hours daily. At the Morris Plains

state hospital in New Jersey the average time is fifteen hours. The Illinois Asylum for the Incurable Insane, before mentioned, is the only institution where there are the three shifts of eight hours each. It is true that the attendants are nominally on duty for eight hours, but none of the attendants can leave the hospital after their eight hours are completed, but must remain on duty for emergency calls.

As far as the pay of the attendants is concerned, there is not a great difference between the government hospital and other similar institutions. Generally speaking, the government hospital leads. There are differences in the minimum pay in some cases and the maximum in others, but the difference in the pay does not seem to be greater than local conditions might warrant.

The attendants are divided into male probationers, female probationers; full attendants, both male and female; charge attendants, male and female; nurses, male and female; chief nurses, male and female; assistant supervisors, male and female; supervisors, male and female. Their salaries are as follows: The male probationers begin at \$18, the female at \$14; the male attendants receive from \$20 to \$30, the female attendants from \$15 to \$25; the male charge attendants receive from \$25 to \$35, and the female charge attendants from \$20 to \$30; the male nurses receive from \$25 to \$35, and the female nurses from \$20 to \$30; the male chief nurses receive from \$30 to \$40, and the female from \$25 to \$35; the male assistant supervisors receive from \$35 to \$50, and the female from \$30 to \$45; the male supervisors receive from \$40 to \$60, and the female supervisors from \$35 to \$55.

The chief nurses now employed in this institution are both women, and the 300 attendants above mentioned include the chief nurses and all of the others, including the probationers. It also includes a few domestics who do dining-room work, which in most of the institutions appears to be done by the attendants themselves. There are only two chief nurses, and their duty is to supervise the nurses. A charge nurse is the one that is in charge of a ward.

The appointment of all the attendants in the hospital is made directly by the superintendent, subject to the approval of the board of visitors. There is no civil-service examination except as to physical condition, special qualifications, age, and experience; but the applicant for appointment fills out an application blank on these lines, and the promotions from the lower to the higher grades are made by the administration. A training school is connected with the hospital, and the attendants when they are appointed are urged to enter the training school.

Most of the attendants live in the hospital. There are some few of them to whom permission is granted to live outside, where such permission does not interfere with the management of the institution. The preference of the administration is to have the attendants live in the hospital grounds, so that they may all be available in case of emergency. Inasmuch as the permission to live outside of the grounds is considered a privilege, these nurses do not get additional compensation. The domestics above referred to are few in number, about 12, and they do dining-room work and some general housework, to supplement that done by the attendants.

The employees (about 400 in number), besides the attendants, include the superintendent, the medical staff, the office force, the employees in the engineering department, and all others employed.

On pages 418 to 446 of the testimony will be found the pay roll as classified for the present superintendent when he took charge of the institution, and also the pay roll as at present classified by Doctor White. The committee is of the opinion that the list of employees could not be materially decreased without injury to the institution and to the welfare of the patients, and sees no reason to recommend any special change in the number now employed. This is a matter that is properly cared for by the superintendent, and seems to have been done with a view to accomplishing the best results for the hospital as economically as is feasible.

In regard to the relation of the number of attendants to the number of patients, the charges that have been made allege that there are not enough attendants in the Government Hospital for the Insane to properly care for the patients, and a list, showing the ratios of attendants to patients in several institutions, was submitted to the committee by Mr. R. P. Evans.

It is quite true, as stated by Mr. Evans in his testimony, that, from such list, it appears that there were more attendants in proportion to the number of patients in those several institutions than there are in the Government Hospital for the Insane; but the examination of superintendents of other institutions before the committee discloses the fact that, if anything, the government hospital has a greater number of attendants for the same number of patients than exists generally in other institutions. For instance, the Manhattan State Hospital, in New York City, has about 1 attendant to 8 patients; the Central Islip State Hospital, of New York, has a ratio of 1 to 10; the Central State Hospital for the Colored Insane, at Petersburg, Va., has a ratio of 1 to 15; the Columbus State Hospital, of Ohio, has a ratio of 1 to 13; the Illinois Asylum for the Incurable Insane has a ratio of 1 to 9; the Massillon State Hospital, of Ohio, has a ratio of 1 to 15; the Morris Plains State Hospital, of New Jersey, has a ratio of 1 to 9; the Western Pennsylvania Hospital for the Insane has a ratio of 1 to 10.

The ratio at the Government Hospital for the Insane is 1 to 8. While the several institutions mentioned in the statement submitted by Mr. Evans have a greater number of attendants, considering the number of patients, with one single exception they are institutions having a very much smaller number of patients, and it is the opinion of the committee that where there is a small number of patients there will be a greater number of attendants proportionately. For instance, if in a single ward there are only three patients, it is necessary to have at least two attendants for that number of patients, so as to provide for the service of attendants day and night.

Mr. Evans mentioned one hospital, the South Dakota Hospital for the Insane, which has only 575 patients. In this hospital, however, are 120 employees, including the attendants. It is a fair inference, and there seems to be no reasonable doubt, that these same 120 employees could care for almost double the number of patients without any failure to provide for their necessary attendance; and, generally speaking, when the size of the hospital, the number of attendants, and the number of patients are considered, there is no reason to believe that the patients in the government hospital would be better served by an arbitrary increase of the number of attendants.

Sixth. As to the food.—The diets have been arranged with what appears to be considerable care. Besides the general dietary, special diets are prescribed for tubercular patients and for old and feeble patients. The complete dietary is contained in the testimony of Doctor Clark, on page 522. At page 723 will be found another diet list of the hospital.

The dietary is quite similar to that in other institutions. It should be stated that the dietary of this institution is mentioned in one of the standard works on the subject, "Diet in Health and Disease," by Julius Friedenwald, M. D., clinical professor of diseases of the stomach, and John Ruhrah, M. D., clinical professor of diseases of children, in the College of Physicians and Surgeons, Baltimore, Md., in a list of diets in several hospitals and kindred institutions. The committee has no hesitancy in saying that, in so far as the dietary is concerned, it is healthful and sufficiently varied.

In the year 1903, and at the time when Doctor White was the superintendent of the hospital, the Department of Agriculture made a nutrition investigation at the Government Hospital for the Insane and gathered statistics during the course of this investigation. The committee quotes from the report of W. O. Atwater, chief of nutrition investigations of the Department of Agriculture, as follows:

"So far as can be judged from the results of these studies, as compared with similar data obtained elsewhere, the dietetic management of the institution was very satisfactory. Opportunities for improvement were observed, but these have to do with details rather than with the system as a whole. The diet was varied and attractive and certainly abundant. On the whole, the waste was larger than seems necessary, which would partially account for the fact that the cost of the diet was higher than would appear needful on theoretical grounds and higher than that of a similar diet in other institutions. . . . The studies made during the past year have given a tolerably clear idea of the existing conditions, and it is regarded as especially fortunate that during the present year it will be possible to make the attempt to improve them by applying the knowledge gained as the investigations at the government hospital are being continued with the cordial cooperation of Dr. W. A. White, the present head of the institution."

Most of the supplies of the institution are purchased after bids duly advertised for, under the direction of the Secretary of the Interior, and annual contracts are usually entered into. The Secretary of the Interior appoints a board to open bids, examine samples, and recommend awards. This board at present consists of the superintendent of the hospital as chairman; Mr. William B. Acker, the chief of the miscellaneous division of the Interior Department; Judge Parker, of the General Land Office; Mr. Rapp, of the Secretary's office, and Mr. A. E. Offutt, who is the general purchasing agent for the hospital. Mr. Offutt was appointed by Doctor Richardson, the predecessor of the present superintendent, and has held the position continuously for six years. It is his duty to receive, a short time before the close of each fiscal year, from the heads of the various departments of the institution, such as the electrician, the engineer, the dry goods storekeeper, the grocery storekeeper, the pharmacist, and the farm steward, a list of the probable requirements for the ensuing fiscal year. These are properly classified and submitted to the Secretary of the Interior. Advertisements are inserted in the usual manner in some of the leading papers of the country, inviting bids for the items. Besides the articles that can be purchased in this way, the Secretary of the Interior permits the purchase of certain articles, mainly eggs, vegetables, fresh fish, fruits, and oleomargarine, in the open market.

In making the purchases above referred to, whether under the contracts made by the Secretary of the Interior with the several dealers or in purchasing goods in the open market, the purchasing agent is responsible.

The testimony that has been offered in regard to these food supplies shows that the food purchased is of a good quality and is obtained with proper consideration for the health of the inhabitants of the hospital, combined with the economical administration of the institution, although some testimony was introduced tending to show that at times the average in quality had not been what it should have been.

In the course of its examination the committee visited the kitchens of the institution, and believes that the food is of sufficient quantity and, notwithstanding the complaints that have been made as to improper preparation, is generally of good quality and fittingly prepared.

The committee believes that by the placing of steam tables in all of the dining rooms and building at least one, if not two, additional kitchens, the facilities would be such that the preparation of the food and its prompt service might be improved, and would recommend that when specific improvements of this character are asked for by the superintendent of the hospital such recommendation be adopted and proper provision made.

Seventh. As to the buildings and farm.—There are the following departments in the hospital in connection with the care and treatment of patients:

The women's department, consisting of 11 buildings (oaks D and E being one building), with 646 patients and 83 employees, the number of patients in each building varying from 10 to 140, depending, of course, upon the size of the buildings.

The Howard Hall department, consisting of 5 buildings, with 354 patients and 45 employees.

The Richardson group department, consisting of 4 buildings, containing 371 patients and 43 employees.

The detached buildings, consisting of 7 buildings (Allison D¹ and D² being one building), with 664 patients and 56 employees.

The receiving department, consisting of 2 buildings and having 447 patients and 74 employees.

The full list of these several departments and the buildings they contain, with the number of patients and employees in each of the wards, is set forth on page 520 in the testimony of Doctor Clark.

In addition to the buildings mentioned, the building or buildings designated as the east side, consisting of 13 or 14 wards, were unoccupied and therefore omitted from the testimony. The committee has been informed, however, that the wards of the east side, with a few exceptions, are now occupied by patients, as are the buildings Dix 1 and Dix 2, also omitted from the testimony.

The buildings that have been most recently erected are in excellent condition, and are suitable for the purposes for which they were built. They were entirely completed just after the present superintendent assumed charge, appropriations having been granted by Congress and the buildings having been near completion at that time.

The land owned by the Government and occupied by the hospital consists of a plot of about 350 acres, upon which all of the buildings above mentioned are situated, and besides this property there is owned the Stevens farm, of about 60 acres, which is only a short distance from the hospital, and also the Godding Croft farm, of approximately 450 acres, 5 miles distant. This farm is in charge of the superintendent, and employs about 20 hands, besides something like a dozen of the patients. These hands are paid from \$20 to \$32.50 per month. Fourteen horses and five mules are worked on the farm. The farm raises mostly truck vegetables and raises corn for silos. About 50 acres of the farm is in

grass. All told, there are about 122 acres that are under present cultivation. The corn and garden truck are used by the hospital, and the rest of the farm is used for the pasture of the cows which are kept there, the milk from them being used in the hospital.

It does not seem to the committee that there is a sufficient utilization of the farm for the purposes of giving outdoor employment to the patients, but the committee entirely appreciates that this would be impossible with the present buildings now on the farm, as before more patients than are now used in the work on the farm could work there it would be necessary for an additional dormitory to be built, and the committee believes that this would be a useful adjunct to the general work of the institution.

The building established for the use of the female nurses is admirable. It would unquestionably add greatly to the comfort of the male attendants and nurses if a similar building could be erected for their use, and the committee is informed that such a place is being established by the superintendent. There are other buildings on the hospital grounds used for the administration department, the engineer's department, barns, stables, etc.

Eighth. As to employment of patients.—Every witness who was questioned upon the subject, including the superintendent and the several members of the medical staff and all the superintendents from other institutions, said that it was an excellent thing for patients if they could be induced to work in any capacity. This is done in the Government Hospital for the Insane wherever it is feasible, and the patients generally are urged to work. It would not be possible nor even desirable to force patients to work, but no argument seems to be needed as to the beneficial results that ensue to the patients who have certain duties to perform. For this reason a considerable number of the patients are employed in or about the grounds and wards, in the barns, dining rooms, kitchens, laundry, sewing rooms, and on the farm. Altogether, there are something like 600 patients so employed.

From the testimony of superintendents of other institutions this is not as large a proportion as are employed in some of the other institutions; but different conditions seem to exist here. In the first place, there are in the institution about 700 people over 60 years of age, and it would be, in the opinion of the physicians, impossible to get work out of those people. Besides that, something like 250 to 300 people are bedridden. And many of the old soldiers and sailors confined in the hospital are averse to doing menial labor, so that the committee believes that the best that is possible with the material at hand is done to induce the patients to perform some labor. It, of course, should be remembered that the main object of asking the patients to work is for their own benefit and, incidentally, to decrease the expenses of the institution. The inability to secure a greater number of patients for this purpose is one of the reasons why the per capita cost is greater than in other institutions.

Ninth. As to so-called "bull pen."—In the course of the investigation mention was made of the inclosed group of buildings in the detached buildings department, which was designated as the "bull pen." As a matter of fact, the so-called "bull pen" consists of an inclosure of something over 7 acres of land, the grounds of which are improved, having in the inclosure trees and seats under them for the use of the patients. The so-called "bull pen," in fact, is a small park inclosed to allow the patients confined therein to have greater liberty in outdoor exercise.

The testimony in regard to this particular inclosure was given by Dr. J. T. Simpson, and appears on page 1497 of the record. He said that was a little park that he made himself; that with the help of some of the patients and employees he laid it out, graveled the walks, planted trees and shrubs, put out plants, and tried to beautify it as much as possible. It was entirely detached from the rest of the grounds. The patients were more or less confined to these limits, because the patients that were under his control were largely old men who would wander away. In that way the patients were, as a rule, not allowed a parole of the entire hospital grounds. They were confined within this space, and an ordinary parole meant inside of that inclosure. This was in the case where a greater confinement was necessary than with the men who were especially trustworthy and were allowed the privilege of going outside of the inclosure and going down by the river and around into other portions of the grounds. The buildings take up a good deal of the ground. There is a group of buildings, the Allison group, and although they take considerable space there is a fair amount of recreation ground left. There are some summerhouses there, and on a small scale it is laid out like a park.

Doctor Hummer testified as to the so-called "bull pen" and said that certain of the patients there are taken outside and through the entire hospital grounds in charge of attendants every day.

Tenth. As to the dual management.—Some testimony was taken in regard to the propriety of institutions similar to that of the Government Hospital for the Insane having a dual head, one for the medical care of the institution and the other for the care of the purchase of supplies and the management of buildings, etc. The committee is confident that this plan is one that is not feasible. The superintendent of one of the institutions testified that the mere question of food supplies should be under the immediate control of the medical superintendent, and stated that nothing was more important in the care of persons either mentally or physically ill than the question of their diet.

The overwhelming preponderance of the evidence is in favor of the single and not the dual management of such institutions.

Eleventh. As to classification of patients.—Since Doctor White has been superintendent the question of the proper segregation of patients has been carried to as great an extent as seems to be possible with the present buildings, and is being continued as rapidly as practicable. Epileptic patients have been separated from others as far as is possible; the tubercular patients have been entirely separated from other patients; paralytics have been accumulated in separate wards.

It must be borne in mind that in this particular institution there are 500 criminal insane. They are confined in one building, commonly known as "Howard Hall." The committee believes that it would be of very great advantage to the institution for Congress to provide for the founding of a hospital for the criminal insane, so that that class of patients could be taken entirely away from the hospital.

Twelfth. As to pensions.—The testimony shows that a number of old soldiers at the hospital are drawing pensions, and some criticism has been made as to the method of collecting and disbursing the same. Section 8417 of the Revised Statutes provides that inmates of the National Homes for Disabled Volunteer Soldiers who may become insane shall, upon an order of the president of the board of managers thereof, be admitted to the Government Hospital for the Insane. This law made it mandatory upon the superintendent of the hospital to receive this class of patients, many of whom were at the time of their admission in receipt of a pension. Such pension money was, up to February 20, 1905,

paid directly to the wife or dependent relatives of the soldier, or to the soldier himself if he had no wife or dependent relatives, provided he was mentally competent to sign the pension voucher, in which case the superintendent certified that fact to the Pension Bureau. In the event that the pensioner did not have dependent relatives and was not competent to sign the voucher, the pension money remained in the hands of the Pension Bureau until a guardian was appointed by the court, when the money was paid over to such guardian.

The act of August 7, 1882, however, provided that such pension moneys, in cases where the inmate had neither wife nor dependent relatives, should be made payable to the superintendent of the hospital for the general purposes of the hospital, and the pensioner derived no special benefit therefrom.

Notwithstanding the act of 1882 last above referred to, and for some time after the passage thereof and before the incumbency of Doctor White, many of the inmates who had no wives or dependent relatives, and were able to sign the pension vouchers as before stated, received their pensions, but at some subsequent period not disclosed by the testimony all of these moneys were paid over to the superintendent for the purposes of the hospital, in accordance with the provisions of that act.

When Doctor White became superintendent he found some \$30,000, which had accumulated under the provisions of the act of 1882, and, at the request of the Commissioner of Pensions, the same was turned over to him by said commissioner, and he in turn deposited such sum in the Treasury; but up to the present time no use whatever has been made of this money.

In some of these cases it was found that the soldiers at the time of their admission to the hospital were not in receipt of pensions, although they were properly entitled thereto. In those cases it was necessary, under the law, for a guardian or committee of the patient to be appointed by the court, in order that proper application for pension could be made to the Pension Bureau; but as the patient was received upon the order of the president of the board of managers of one of the National Homes for Disabled Volunteer Soldiers, it was further necessary to have such patient judicially declared insane by the court prior to the appointment of his committee and the subsequent application to the Pension Bureau for a pension.

Committees were appointed in certain cases, and where pensions were subsequently granted by the Pension Bureau, the same were collected, and in every case, upon order of the court, disbursed by such committees.

Congress passed another act on February 20, 1905 (which is printed in full at page 1743 of the RECORD). This act provides, among other things, that the pensions of all inmates of the hospital shall be paid to the superintendent, to be disbursed by him under regulations to be prescribed by the Secretary of the Interior, and such regulations have been accordingly made by the Secretary of the Interior and will be found at page 1744. These regulations direct the superintendent to receive the pension of the inmate as agent and use the same, first, for the benefit of the pensioner; second, for the benefit of relatives entitled under the law; and third, to reimburse the hospital for the pensioner's board and maintenance. The superintendent is also directed by the regulations to reserve from each pension an amount, not to exceed one-sixth thereof, to be expended in the purchase of such articles as may be required for the pensioner's welfare and which are not provided from the regular hospital funds or otherwise for the pensioner's benefit, and to charge the remainder, after payment therefrom for the benefit of relatives, if any, as provided in such regulations, with the pensioner's board and maintenance in the hospital, and to place any balance then remaining to the pensioner's credit on the books of the hospital; to pay any unexpended balance of pension money reserved for the pensioner's benefit and any pension money to his credit on the books of the hospital, in the event of the pensioner's discharge from the hospital, to the pensioner, or to his lawful guardian, or, in the event that the pensioner is returned to a branch of the National Home for Disabled Volunteer Soldiers, to the treasurer of such branch. In the event of the pensioner's death while an inmate of the hospital the superintendent is directed to pay the same to his widow, or, if there be no widow, to his minor children, or, if there be no widow or minor children entitled to payment of such balance of pension money, to apply the same to the general uses of the hospital.

From the evidence given on this subject it appears that in no case is there deducted from the pension money of an inmate a greater amount than \$220 per annum for board and maintenance, which sum is the per capita cost appropriated by Congress.

It is also important here to say that, since the passage of the act of February 20, 1905, there is no necessity for the appointment of committees, except in a case where the inmate is entitled to certain arrears of pension, and in that case the law provides for the appointment of a committee to collect such arrears; but after the appointment of the committee and the receipt by him of such arrears the pension money must be turned over to the superintendent, as agent, to be used by him as hereinbefore stated.

While it would seem to the committee that the act of 1882, providing for the payment of pensions to the superintendent for the purposes of the hospital, was not reasonable or fair to the patient, it does not deem it within the scope of its duties to criticize the law.

But it is the opinion of the committee that the act of February 30, 1905, which, presumably, was passed to cure whatever of injustice existed under the act of 1882, is a reasonable solution of the question.

The pensioner now receives one-sixth of his pension money for the purpose of providing himself with such necessities as the hospital is not able to give him; a certain portion is paid to dependent or nondependent relatives; a certain portion, not to exceed \$220 per year, is used for his board and maintenance at the hospital, and the balance placed to his credit, or, if he has no dependent or nondependent relatives, after the deduction of the amount of his board the entire amount of such balance is placed to his credit, and upon his discharge is paid over to him or his guardian. If the pensioner dies while an inmate of the hospital the amount standing to his credit is turned over to his widow or minor children, and, if there be no widow or minor children, to the hospital.

The committee believes that such disposition of pension money is fair, and that there is no necessity for recommending any changes in the law.

Thirteenth. Per capita cost.—In the course of the investigation there was more or less testimony taken from the officials connected with the Government Hospital for the Insane, the superintendents of other similar institutions, and others, as to the question of per capita cost, and it would appear from the schedules filed that such cost per capita in the government hospital was greater than that in similar institutions in various States. This is not universally so, as will be seen by the testimony of the superintendent, on page 920, where it appears that three

institutions which he mentions cost more per capita than the government hospital. It should be said in this connection that the per capita cost of the Government Hospital for the Insane for the last twenty years has been at least \$220 a year. During a short period of those twenty years the per capita cost was \$225, as shown by the appropriations made by Congress for the institution.

Previous to the appointment of Doctor White as superintendent it was frequently necessary to make an appropriation in the general deficiency bill for deficiency in the maintenance of the hospital. This has not been the case since Doctor White's appointment, notwithstanding 15 additional buildings have since been opened, occupied, and maintained. As a matter of fact, at this time there are 18 more wards in commission than before he took charge of the institution. It is true that the number of people employed has been practically unchanged, but many of the salaries of the attendants and the other employees of the hospital have been raised.

Entirely apart from these facts, the population of the Government Hospital for the Insane is unique, and the character of the patients makes it practically impossible to make an accurate comparison with institutions for the care of the insane elsewhere. In the first place, something like 700 of the patients in the institution are more than 60 years of age; more than 250 of the patients are bedridden.

The men who have served in the military establishment of the country are usually unwilling to perform any voluntary labor. Generally speaking, they believe that they are entitled to a life of entire ease and freedom from work, as they would be were they in entire possession of their mental faculties and inmates of a Soldiers' Home. Then, too, the white people who go to the institution from the District of Columbia are averse to performing anything in the nature of manual labor, as they are inclined to think that such labor should be performed by the colored inhabitants of the institution. On the other hand, the colored inhabitants of the institution are averse to performing labor because they feel that all labor is entitled to pay.

The authorities of the Government Hospital for the Insane endeavor to get the inmates of the institution to perform work, just as the superintendents of other institutions do, and labor with as much patience and earnestness as do the heads of other hospitals; but the fact remains that whereas in the Central Islip Hospital, in the State of New York, the Central Hospital for the Colored Insane of Virginia, and the Massillon State Hospital of Ohio between 75 and 80 per cent of patients are employed, the Government Hospital is not able to procure the services of more than 25 per cent.

Another reason why it is impossible for the Government Hospital to get as much work out of patients as in the case of these just mentioned: These institutions all have much more land immediately surrounding the buildings, and at the very doors of the dormitories farms of considerable proportions are maintained. This condition of affairs does not exist in the Government Hospital, and the circumstances prevent the cultivation of any but a small portion of its farm. The condition of the patients confined in the hospital, as specifically detailed above, makes it impossible to get a materially greater number of patients to perform work than is done by the present superintendent of the hospital.

In the opinion of the committee it would be advantageous to the institution and beneficial to the patients if additional lands could be obtained.

Fourteenth. As to the creation of a lunacy commission.—The evidence shows that there exists in many States a lunacy commission, whose duty it is, among other things, to make inspection of the various hospitals for the insane under its supervision.

The committee is of the opinion that, in case there were several government hospitals for the insane, it would be the part of wisdom for Congress to make legislation for the creation of a lunacy commission so that these several institutions could be conducted along the same lines, but in the case of the Government Hospital for the Insane there would seem to be no need for such a commission.

The board of visitors, whose duties are prescribed by statute, so far as the question of inspection is concerned, performs the work of a lunacy commission, and the committee believes that that was the object of the statute. The superintendent is, of course, under the control of the Secretary of the Interior.

The statute provides that the board of visitors, subject to the approval of the Secretary of the Interior, "may make any needful by-laws for the government of themselves, and of the superintendent and his employees, and of the patients, not inconsistent with law; they shall visit the hospital at stated periods, and exercise so careful a supervision over its expenditures and general operations that the Government and community may have confidence in the correctness of its management, etc."

The committee can not conceive that anything would be gained by the appointment of a lunacy commission, but, on the other hand, there would be incurred, in case of such appointment, the expenses incident thereto.

There was testimony from one of the witnesses that there should be a lunacy commission created for the hospital, but the witness stated that the reason for his opinion was that other institutions for the insane might hereafter be created in the District which could be placed under the supervision of this commission, if appointed.

The superintendents of the various state institutions for the insane who were examined on this point stated that, although there was great necessity for a lunacy commission in their respective States, they could see no reason for establishing such a commission for the purpose of supervising control over one particular institution.

Fifteenth. As to the commitment of patients.—A great deal of time has been given to the question of the authority for and method of commitment of indigent patients from the District of Columbia to the hospital, and after a careful examination of the law in connection therewith the committee has no hesitancy in saying that the law as it now stands on that subject is misleading, conflicting, and ambiguous.

In addition to the Revised Statutes hereinbefore referred to, at page 1786 of the record and following, the committee found that the deficiency appropriation act of June 30, 1903, provided that "hereafter proceedings by the Commissioners of the District to commit indigent insane persons and insane persons with homicidal or dangerous tendencies shall be in the equity court of the said District and shall be in conformity with the law in force in the said District on the 30th day of January, 1899."

It also found another act, passed February 23, 1905, which was not included in the printed copy of the Revised Statutes filed as an exhibit.

Also, in the Code of Laws for the District of Columbia, amended to and including March 3, 1905, the committee found a provision, section 115a, in connection with lunacy proceedings, as follows:

"SEC. 115a. Lunacy proceedings.—All writs de lunatico inquirendo

shall issue from said equity court, and the justice holding said court shall preside at all inquisitions of lunacy, and when necessary may use a jury from either the circuit or criminal court, or may cause a special jury to be summoned for such inquisitions."

The committee also found a decision on the subject made by the supreme court of the District of Columbia February 16, 1885, and hereinafter more specifically set forth in the matter of William M. Bryant. (3 Mackey's Repts., 489.)

A considerable amount of testimony was heard as to the method of the commitment of inmates of the soldiers' homes to the Government Hospital for the Insane, as provided by statute—that is to say, upon the written order of the president of the Board of Managers of said homes to the superintendent of the hospital. The form of such order will be found contained in the record at page 1205.

Objections were made by several of the witnesses to this method of commitment from the home on the ground that great injustice might be done to some of the old soldiers, and, in fact, they alleged that, in certain cases, inmates from the homes had been sent to the hospital, upon the order as aforesaid, who were in fact sane.

As to the legality of this method of commitment there can be no doubt, in view of the decision in the case of Bryant, before mentioned. By that decision the court held that these commitments were proper; that persons in the Army or Navy or Marine Corps, or, perhaps, even in the Revenue-Cutter Service, were already under control; and that "a soldier can be made to go into the hospital for medical treatment, upon the judgment of his superior officers, and they can order him to this asylum if they think that he ought to go there, and in that case the officer's action would be due process of law."

The committee also heard some testimony to the effect that the courts had decided that this manner of commitment was illegal in all cases where the term of enlistment of the soldier had expired. In other words, that, as soon as the term of enlistment of such an inmate expired, his status was the same as that of a person who was not under control of the Secretary of War, or the Secretary of the Navy, and that his commitment should be by "due process of law," or inquisition by court and jury.

The following appears in the report of the Secretary of the Interior for the fiscal year ending June 30, 1905:

"During the year a number of writs of habeas corpus were sued out in the local courts for the release of persons confined in the hospital, and, under instructions from the Attorney-General the United States attorney for the District of Columbia defended these suits on behalf of the hospital. As a general result of these proceedings it has been held that persons in the service of the United States Army or Navy may lawfully be committed to the Government Hospital for the Insane under the statutes providing for their care and treatment in said institution upon the order of the Secretary of War or of the Navy, respectively. Upon the expiration of the term of enlistment of any such patient, however, whether from the army or navy, they are held to resume their status as private citizens and to be beyond the control of the Secretary of War or of the Navy, as the case may be; hence the hospital can not legally detain them after such time unless they shall be duly committed thereto by "due process of law," which in the present case means an inquisition before a jury into a patient's mental condition.

"It has also been held that the transfer of an inmate of the National Home for Disabled Volunteer Soldiers to the Government Hospital for the Insane upon the order of the board of managers of said home did not constitute due process of law and was therefore illegal. An appeal has been taken by the district attorney from the foregoing decisions, and the cases are still pending."

As to the alleged injustice or impropriety of such commitments, the committee begs to call attention to the fact that the superintendent of the hospital is directed to receive these patients "until cured." In other words, it is mandatory upon the superintendent to return these patients when cured to their respective soldiers' homes. The testimony also shows that this has been done in many cases, and the committee is of the opinion that there is no desire on the part of the superintendent to retain these patients in the hospital after they are cured. Indeed, the testimony shows that, in certain cases where criminals alleged to be insane have been sent to the hospital from federal and military prisons and were found by the physicians to be feigning insanity in order to escape the hardships of such prisons, they were sent back by the superintendent.

As an illustration, Dr. L. H. Taylor, formerly a medical interne at the Government Hospital for the Insane, testified:

"I can refer you to a case that happened. There was a prisoner over there named Bromley. I think, who had committed some offense in the Philippines or one of the tropical possessions. He had murdered somebody, and he was sent to Fort Leavenworth as a life-sentence man, if I am not mistaken. * * * We all knew he was a malingering there, and finally we sent him back to Leavenworth. He was very glad to go back, because he thought he was going to get a pardon. He had not been there more than three or four days, however, before he was the most violent insane man ever known. When I left St. Elizabeth's there had been a lot of correspondence between the superintendent and the proper military officials in regard to him. I know that I saw correspondence from the superintendent calling the attention of the proper authorities to the fact that he considered the man was a malingering, and that it would be advisable to have some alienist examine him. The last I heard of it the man was still at Fort Leavenworth. * * * It was instrumental in calling the attention of the superintendent to it and in bringing about the correspondence in regard to the matter."

There is no sound reason in the contention of some of the witnesses that the patients thus received from the homes, or anywhere else, are improperly detained at the hospital.

To revert to the question as to the manner of commitment of indigent patients from the District of Columbia, it might be well, perhaps, to dilate upon the methods now in practice, and the law relating thereto, from the beginning of the hospital up to the present time.

Prior to February 16, 1885, commitments were usually made by the Secretary of the Interior upon the statements of two physicians and a relative or friend of the alleged lunatic, presumably in accordance with the statutes at that time in force, until one Bryant, a patient at the hospital, sued out a writ of habeas corpus, demanding his release upon the ground that he was committed without due process of law.

On the date last above mentioned the supreme court of the District of Columbia decided in that case that Bryant was committed without due process of law, and it therefore ordered his discharge from the hospital, declaring, among other things, that the whole question of commitment was regulated by the Maryland statute of 1785, chapter 27, section 6, providing that the insanity of a person should in all cases be estab-

lished by an inquiry through a jury; that the sections of the Revised Statutes as they then existed did not contemplate compulsory seclusion in the hospital without due process of law, and that if they meant anything else they would be unconstitutional.

Thereafter all proceedings in lunacy were had before a marshal's jury, in accordance with the Bryant decision and the law of Maryland, until January 31, 1899, when Congress passed an act (now section 8425 of the Revised Statutes as amended) doing away with the necessity of the marshal's jury and directing the proceedings to be brought before one of the justices of the supreme court of the District.

This law of 1899, it would seem, remained in effect until June 30, 1903, when Congress made a provision in the deficiency appropriation act, that "proceedings * * * to commit indigent insane persons * * * shall be in the equity court of the said District, and shall be in conformity with the law in force * * * on the 30th day of January, 1899."

In other words, Congress directed that such commitments should be made only after an inquiry by a marshal's jury.

In 1901 a provision was inserted in the Code of Laws for the District of Columbia, sections 115a, etc., that such cases should be heard before a justice of the equity court, "who shall, when necessary, use a jury from either the circuit or criminal court, or may cause a special jury to be summoned for such inquisitions."

Chapter LX of the said code, however, containing the repeal provisions, in paragraph 8 thereof specifically excepts from the acts repealed thereby "all acts or parts of acts relating to * * * the commitment of the insane in the District of Columbia," etc., which, of course, meant the retention of the method of hearings before a marshal's jury. Further than that, section 8435 of the Revised Statutes specifically provides for such marshal's jury in these cases, so that it would seem that the code makes one provision for a trial before the court which had power to call a special jury and another for a trial by marshal's jury.

Congress again passed another act on April 27, 1904 (secs. 8436, 8437, 8438, 8439), authorizing any member of the Metropolitan police of the District to apprehend and detain without warrant any insane person found on any street, avenue, etc., and directing such officer to make affidavit as to the sanity of the person so apprehended, and that notification should be given to the relatives of the insane person, provided his address could be found.

This act also authorizes the major and superintendent of the Metropolitan police to order the apprehension and detention without warrant of any indigent person alleged to be insane found elsewhere in the District than on the street, avenue, etc., as aforesaid, "whenever two or more responsible residents of the District of Columbia shall make and file an affidavit with said major and superintendent * * * setting forth that they believe the person therein named to be insane or of unsound mind, the length of time they have known such person * * * : *Provided, however,* That before the major * * * shall order the apprehension and detention of any person upon the affidavits of the aforesaid residents, or in case of arrest, as provided in the section last preceding [on the streets, etc.], he shall, in addition thereto, require the certificate of at least two physicians, who shall certify that they have examined the person alleged to be insane," etc.

It further states that the Commissioners of the District of Columbia are authorized to place in the hospital, and the superintendent is authorized to receive upon the written request of the said commissioners, for a period of time not exceeding thirty days, indigent persons alleged to be insane or of unsound mind, residents of, or found within the District of Columbia, and alleged insane persons of homicidal or otherwise dangerous tendencies so apprehended and detained, as hereinbefore provided, pending the formal commitment of such persons to said hospital, as provided by law, and that any such alleged insane person may be detained in any police station or house of detention in said District pending the completion of arrangements for his temporary detention in the hospital. It also provides that if, pending the formal commitment of such alleged insane person, the superintendent of such hospital, in the case of the commitment of a person to said hospital, or if two or more physicians in regular attendance at any other hospital or asylum where any person is committed under the provisions of the act, or if two or more surgeons of the police and fire departments, in the case of any person detained at any police station or house of detention as aforesaid, shall certify in writing to the Commissioners of the District that such person is not insane or that he has recovered his reason, the official in charge of the hospital, or the major and superintendent of police, if such person be confined in a police station house or in a house of detention, shall discharge such alleged insane person or persons of unsound mind forthwith and immediately report such action to the Commissioners of the District. The act then provides for the character of the affidavits of physicians and the penalty for making false affidavits, etc.

The law of April 27, 1904, aforesaid, repeals all acts and parts of acts inconsistent with the provisions thereof.

Again, and on February 23, 1905, Congress passed another act, which provides that thereafter the proceedings to determine the mental condition of alleged indigent insane persons shall be according to the provisions of the Code of Law for the District of Columbia relating to lunacy proceedings, provided that the jury to be used shall be impaneled by the United States marshal for said District, upon order of the court, from the jurors in attendance upon the criminal courts of said District, "who shall perform such services in addition to and as part of their duties in said criminal courts: *Provided further,* That during such time as jurors are not in attendance upon said criminal courts the court may direct the said marshal to impanel the jurors in attendance upon the police court * * * or the said court may direct a special jury to be summoned for such inquisitions."

The act also provides for the appointment of a committee in case the person is declared insane and has property, and that, in case the person adjudged insane shall thereafter be discharged as cured, the superintendent of the hospital shall immediately thereafter file with the clerk of the supreme court of the District his sworn statement that such person, in his opinion, was at the time of his discharge of sound mind, and that such statement shall be sufficient to authorize the court to pass an order declaring such person to be restored to his or her former legal status as a person of sound mind.

It is apparent from a careful reading of the Revised Statutes and the law relative to the procedure in cases of commitment that such commitment is permitted in various ways, except that it is absolutely necessary for all commitments of civilians to be made by due process of law or inquiry by a jury.

The practice in proceedings for commitment of indigent patients to the hospital, as now followed by the Commissioners of the District, is as follows:

Application by relatives or friends.—Affidavit is made by two resi-

dents of the District, usually relatives of the alleged insane person, alleging the insanity of the person; that they believe him to be of unsound mind, incapable of managing his affairs, and a fit subject for detention and treatment at the Government Hospital for the Insane; the length of time he has been in such condition; that he is not fit to be at large; that if he be permitted to remain at liberty in said District the rights of persons and of property therein will be jeopardized, the preservation of the public peace imperiled, and the commission of crime rendered probable; that they believe that he is not the possessor of any lands and tenements, and that he is indigent and unable to pay for his care and treatment at said hospital.

This affidavit is made upon a blank furnished by and filed with the sanitary officer in the Metropolitan police department, and a copy of the form thereof is annexed hereto and marked "A."

Another affidavit is furnished by and filed with said officer, made by two physicians, stating that they, being qualified to make the affidavit as provided by law, certify that they have made an examination of the mental condition of the person said to be of unsound mind, and that in their judgment the said person is of unsound mind and should not be allowed to remain at liberty unrestrained, and that said person is a fit subject for treatment on account of his mental condition. A copy of the form of such affidavit is annexed hereto and marked "B."

A certificate furnished by said officer is then made out by the said physicians, stating that they, after a personal examination of the said person, find him to be insane, which certificate gives the history of the case as far as the physicians have been able to obtain the same. Such certificate is filed with said officer, who thereafter files the same with the superintendent of the Government Hospital for the Insane at the time of the admission of the said insane person to the hospital. The person so found to be of unsound mind is brought to the hospital either by his relatives or friends or by the superintendent of the Metropolitan police or one of the officers thereof. A copy of the form of said certificate is annexed hereto and marked "C."

The papers above mentioned, to wit, A, B, and C, are then handed to the Commissioners of the District, and the said commissioners then prepare a form of temporary commitment addressed to the superintendent of the hospital, requesting the said superintendent to admit the person declared to be of unsound mind, pending a formal investigation of his mental condition according to law. A copy of such form of temporary commitment is hereto annexed and marked "D."

Within thirty days after such temporary commitment the person so committed is brought before the supreme court of the District and a jury, upon the petition of the commissioners accompanied by the papers aforesaid (the said commissioners being represented by the corporation counsel), and the question as to the sanity or insanity of the said person decided.

If the said person be declared insane by said court and jury the Commissioners of the District, being informed thereof, fill out another form (the permanent commitment), stating that the records of the supreme court show that a jury, lawfully impaneled and presided over by one of the justices of said court, according to law, has declared the said person to be of unsound mind and a fit subject for detention and treatment, and that a verdict of said jury has been duly confirmed by said court, and requesting and directing the superintendent of the Government Hospital for the Insane to admit the said person to the benefits and privileges of the Government Hospital for the Insane, in conformity with the statute in such case made and provided. A copy of such form of commitment is annexed hereto and marked "E."

In cases of commitment of persons who are not indigent the same method is pursued and the same forms used, except that such forms state that the said person is a "pay patient."

There is also another form of permit used, a copy whereof is hereto annexed and marked "F," which is signed by the Commissioners of the District, who request the superintendent to receive a patient formerly discharged from the hospital as "improved," but who has again manifested mental unsoundness with dangerous tendencies. This permit states the fact of the former commitment of the patient and his discharge from the institution as improved, and that if he be allowed to remain at liberty the public peace will be imperiled and the commission of crime rendered probable, etc. In these cases the blanks A, B, and C are again used, but the patient is not brought into court, in view of the fact that he was not discharged as "cured" and was still on the court dockets as an insane person.

Arrest of insane persons.—This report has already set forth the act of 1904, granting authority to the major and superintendent or any member of the Metropolitan police of the District to apprehend and detain, without warrant, any insane person or persons of unsound mind "found on any street, avenue, alley, or other public highway, or found in any public building or other public place within the District of Columbia."

The officer making the arrest is required to make an affidavit, the form of which is also provided by and filed with the sanitary officer aforesaid, a copy whereof is hereto annexed and marked "G." Such form of affidavit states that, from what the officer knows and has seen of such person, he believes him to be of unsound mind, incapable of taking care of himself or his property, and that if permitted to remain at large or go unrestrained in the District the rights of persons and property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable.

In addition to this affidavit the affidavit and certificate of two physicians must be made and filed, and the forms B and C aforesaid are used for that purpose, and the same method of temporary commitment and subsequent proceedings for permanent commitment or discharge of the alleged insane person is followed as in the case where application is made by a friend or relative.

The Commissioners of the District, after the temporary commitment, employ a physician to visit the patient and examine his mental condition, and this physician gives testimony in court at the time of the trial.

Dr. Presley C. Hunt, a witness called before the committee, for some time has been making such examinations, and the committee quotes from his testimony, at page 623 of the record, as follows:

"Before the case comes to trial, which under the law has to be within thirty days, I examine that case, generally a day or two days after the trial comes on. I am allowed to look over the first examination paper made by the different surgeons, and then I examine the man myself to find out his mental condition, and I testify in court to such condition after the police surgeons have testified. If, in my opinion, the case has sufficiently recovered to be discharged, the jury, as a rule, takes my opinion and discharges the patient. Last week, for instance, there were two cases that were certified . . . that were discharged by order of the court on my testimony."

The Commissioners of the District, therefore, are the only authority for committing civilians to the hospital, and the committee is unable

to see just what might happen if the said commissioners refused to commit a person, especially after a trial before the court and jury as aforesaid.

There is not before the committee evidence of any injustice having been done to anybody by reason of this method of commitment, but it believes that the methods thus stated, even if they be considered the only proper construction of the statutes, are unduly cumbersome, and that the procedure in these lunacy cases might be improved with beneficial results to all concerned.

The whole law as to the question of commitment of patients and the method of procedure in connection therewith should be changed, and a statute should be enacted in lieu thereof which would be clear and explicit, defining the lunacy proceedings in as simple a manner as possible.

It might properly be argued that the power given to the Commissioners of the District to commit patients after the findings of the jury and the order of the court thereon is superfluous, and there might also be a fair objection to the method of having a jury trial to inquire into the sanity or insanity of the person temporarily committed in every case.

For instance, in the case of a jury trial, where the jury finds that the person before it is insane the order of the judge presiding at such trial, upon such finding, might be sufficient for all purposes, and the patient committed upon such judge's order, thereby doing away with the necessity for a commitment by the commissioners.

And as to the objection to the jury trial in every case before commitment, it could be said that in some cases great hardship would ensue, both to the patient and his relatives. There is no doubt that in many cases the patient is undoubtedly and perhaps dangerously insane and the publicity attending these trials humiliating to a degree.

And again it might be said with propriety that the whole question of insanity is purely and absolutely a medical one, and that it would be eminently proper to have the question decided by medical men rather than by a jury of laymen.

In many of the States of the Union the method of commitment is more simple than in the District of Columbia, and there is no necessity or provision for jury trials in every case nor for the cumbersome methods here practiced.

In the event of the enactment of a new lunacy law for the District of Columbia which would eliminate the necessity of a jury trial, as before mentioned, a provision could be made therein giving the patient, or his relatives or friends, the right to demand a jury trial before commitment, after notice given to him that application is to be made for his commitment. Provided the patient has no friend or relative the power to request a jury trial might be given to some official of the District; for example, the Board of Charities.

It is the opinion of the committee that there is urgent necessity for a change in the lunacy law, and it therefore recommends that a new statute be enacted in place of what it considers the vague and conflicting law on that subject at the present time.

The committee submits herewith the following conclusions and recommendations:

CONCLUSIONS.

1. That Dr. William A. White is fully qualified to perform the duties of the position of superintendent.
2. That the charges of mismanagement of the hospital and of abuse of patients have not been sustained by the evidence.
3. That the physicians on the medical staff and consulting staff of the hospital are capable men and able to properly care for the needs of the patients.
4. That the methods of restraint now used at the hospital are proper, and that restraint is only resorted to in cases of actual necessity.
5. That the attendants perform their work well and care for the patients in a proper manner; that there have been cases of harsh treatment on the part of some attendants, which, however, have invariably resulted in the summary dismissal of the guilty parties.
6. That the dietary used at the hospital is of good quality, of proper variety, and the food is generally well prepared and cooked.
7. That the hospital is a modern institution and is abreast of the times, and is making proper progress in the scientific work with which it has to do; that the buildings and equipment are equal and in many cases superior to those at other institutions.
8. That the patients are employed in and about the hospital as far as practicable, and that such employment of patients adds materially to their welfare.
9. That the so-called "bull pen" is a misnomer, and the group of buildings and inclosure so termed is properly arranged for the comfort of the patients.
10. That the management of the hospital should be under one head.
11. That the superintendent has made a careful classification of the patients as far as practicable.
12. That the law now existing relative to the collection and disbursement of pension money of patients, together with the regulations of the Secretary of the Interior in connection therewith, are just and equitable.
13. That the per capita cost of the hospital as now fixed should not be reduced, in view of the peculiar conditions surrounding the hospital, which do not exist at other similar institutions.
14. That there is no necessity for the creation of a lunacy commission in the District of Columbia.
15. That the law relative to the commitment of patients should be repealed and a new law enacted.

RECOMMENDATIONS.

In view of the fact that the superintendent of the Government Hospital for the Insane is authorized by statute to make such improvements as he may deem necessary out of the money appropriated for the support fund of the hospital and the pension money now in his hands not to the credit of the patients, and it appearing that he has been and is now engaged in making various improvements which have and will inure to the benefit of the patients, the committee can not see any reason for making recommendations except as follows:

1. That the statute should be amended so that the superintendent should be relieved of performing the duties of a disbursing officer of the hospital and should be given authority to appoint a disbursing officer to act under his direction.
2. That the statutes should be amended so as to make provision for the creation of a separate institution in the District of Columbia to care for the criminal insane patients now confined in the hospital.
3. That steam heaters to be used for the purpose of keeping the food hot after it leaves the kitchens should be installed in each dining room in the hospital.

(4) That at least one and perhaps two new kitchens should be installed wherever it or they would be most convenient for the preparation of food served to patients and attendants.

(5) That the statutes relative to the commitment of patients should be repealed and a new lunacy law enacted.

(6) That the farm could be utilized to a greater advantage to the institution if additional dormitory facilities could be provided there.

Respectfully submitted.

J. VAN VECHTEN OLCOTT.
M. L. SMYSER.
A. J. BARCHFELD.

FEBRUARY 15, 1907.

A.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT. SANITARY OFFICE.

Affidavit of lunacy.

WASHINGTON, D. C., _____, 190—.

We, the undersigned residents of the District of Columbia, do certify, under oath, that we have known _____ for _____ years and _____ years, respectively, and we believe _____ has been a resident of the District of Columbia for the past _____ years, and from what we know and have seen of _____ we believe _____ to be a person of unsound mind, incapable of managing _____ own affairs, and a fit subject for detention and treatment at the Government Hospital for the Insane in said District; that _____ has been in such condition to the best of our knowledge and belief since the _____ day of _____, 190—; that in _____ present condition _____ is not fit to be at large, and if _____ be permitted to remain at liberty in said District the rights of persons and of property therein will be jeopardized, the preservation of the public peace imperilled, and the commission of crime rendered probable, and we believe, from information received, that _____ is not the possessor of any lands and tenements; and we further believe _____ to be indigent and unable to pay for _____ care and treatment at said Government Hospital for the Insane.

Residence, _____.

Residence, _____.

Subscribed and sworn to before me this _____ day of _____, 190—.

Notary Public, District of Columbia.

B.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT—SANITARY OFFICE.

Certificate of lunacy.

WASHINGTON, D. C., _____, 190—.

We, the undersigned physicians, having the qualification to make this certificate prescribed by section 5 of the act of Congress approved April 27, 1904, entitled "An act to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes," hereby certify that we have made an examination of the mental condition of the above-named _____, and in our judgment said _____ is of unsound mind, and should not be allowed to remain at liberty and go unrestrained, and that said person is a fit subject for treatment on account of _____ mental condition.

Residence, _____, M. D.

Residence, _____, M. D.

Residence, _____.

QUALIFICATIONS FOR PHYSICIANS.

SEC. 5. That for the purposes of this act no certificate as to the sanity or the insanity of any person shall be valid which has been issued (a) by a physician who has not been regularly licensed to practice medicine in the District of Columbia, unless he be a commissioned surgeon of the United States Army, Navy, or Public Health and Marine-Hospital Service; or (b) by a physician who is not a permanent resident of the District of Columbia; or (c) by a physician who has not been actively engaged in the practice of his profession for at least three years; or (d) by a physician who is related by blood or by marriage to the person whose mental condition is in question. Nor shall any certificate alleging the insanity of any person be valid which has been issued by a physician who is financially interested in the hospital or asylum in which the alleged insane person is to be confined, or who is professionally or officially connected therewith.

SEC. 6. * * * Any physician who knowingly makes any false certificate as to the sanity or insanity of any other person shall, upon conviction thereof, be fined not more than \$500 or imprisoned not more than three years, or both.

C.

DEPARTMENT OF THE INTERIOR,
GOVERNMENT HOSPITAL FOR THE INSANE.

Medical certificate.

We certify that after a personal examination of the within-named person we find _____ to be insane. The following is a history of the case as far as we have been able to obtain it:

Name, _____; age, _____; sex, _____. Married, single, widowed, Nativity, _____; education, _____; occupation, _____; religion, _____; post-office address of friends, _____; telegraph address, _____.

What relatives, including grandparents and cousins, have suffered from either of the following diseases: Insanity, epilepsy, chorea, hysteria, neurasthenia, tuberculosis? _____.

Were parents addicted to excessive use of alcohol, opium, chloral, or other narcotics? _____.

Habits of patient as to same, _____.

Previous peculiarity of patient as to temper, conduct, etc., _____.

Has patient had epilepsy, apoplexy, syphilis, tuberculosis, heat exhaustion, or other serious physical disease? _____.

Evidence of sexual excess or abnormal sexual habits? _____.

History of previous attacks, if any, _____.

When and how did the first symptoms of the disease become manifest? _____.

Was there, previous to that date, any change in disposition, or evidence of physical or mental depression or disorder? _____.

Describe as fully as possible the present symptoms of insanity: _____.

What are the probable causes of the present attack, either predisposing or exciting? _____.

Do suicidal or homicidal tendencies exist; if so, how manifested? _____.

In what institutions, if any, and when, has patient received treatment? _____.

What special medical treatment has patient received during this attack? _____.

QUESTIONS FOR FEMALES.

Number of children, _____; age of youngest, _____; number of miscarriages, _____; date of last one, _____.

Has patient had any uterine or ovarian disease? _____.

What menstrual irregularities, if any? _____.

We hereby certify that the foregoing history is as complete as the opportunities at our command will permit.

P. O. address _____, M. D., _____.

P. O. address _____, M. D., _____.

Examining Physicians or Surgeons.

Date, _____, 190—.

Remarks, _____.

D.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, _____, 190—.

SIR: The Commissioners of the District of Columbia request the admission of _____ to the Government Hospital for the Insane under the provisions of the act of Congress approved April 27, 1904 (33 Stat. L., 316), pending a formal investigation of _____ mental condition according to law. The said _____ has been examined under the provisions of said act, and declared to be insane and a fit subject for treatment by Doctors _____.

In consideration of _____ admission to and remaining in said institution the commissioners agree to comply with the regulations of the hospital in regard to the payment of board and in all other respects.

By order of said commissioners,

Sanitary Officer, M. P. _____.

Secretary.

To the SUPERINTENDENT OF THE GOVERNMENT HOSPITAL
FOR THE INSANE, DISTRICT OF COLUMBIA.

E.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, _____, 190—.

SIR: It appearing from the records of the supreme court of the District of Columbia, holding an equity court (lunacy cause No. _____), that a jury, lawfully impaneled and presided over by one of the justices of said court, according to law, has declared _____ to be of unsound mind and a fit subject for detention and treatment, and it further appearing that the verdict of said jury has been duly confirmed by said court, you are hereby requested and directed to admit the said _____ to the benefits and privileges of the Government Hospital for the Insane, in conformity with the statute in such case made and provided.

Witness our hands and the seal of the District of Columbia this _____ day of _____, A. D. 190—.

Commissioners of the District of Columbia.

TO THE SUPERINTENDENT OF THE GOVERNMENT HOSPITAL
FOR THE INSANE IN THE DISTRICT OF COLUMBIA.

F.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, _____, 190—.

SIR: It being represented to the Commissioners of the District of Columbia, through the Metropolitan police department of said District, that _____, who was committed to the Government Hospital for the Insane of this District on the _____ day of _____, A. D. 190—, after being adjudged to be of unsound mind by due process of law, and who was on the _____ day of _____, A. D. 190—, discharged from said institution as "improved," has again manifested mental unsoundness with dangerous tendencies, and that if he be allowed to remain at liberty the public peace will be imperilled and the commission of crime rendered probable, you are requested to retake said person into your custody for further care and treatment at said institution.

Very respectfully,

Commissioners of the District of Columbia.

To the SUPERINTENDENT OF THE GOVERNMENT HOSPITAL
FOR THE INSANE IN THE DISTRICT OF COLUMBIA.

G.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT—SANITARY OFFICE.

Affidavit of lunacy.

WASHINGTON, D. C., _____, 190—.

I, the undersigned, being an officer duly authorized to make arrests in the District of Columbia, do certify under oath that I have appre-

hended and detained _____, and from what I know and have seen of _____ I believe _____ to be insane or of unsound mind, incapable of taking care of _____ self or _____ property, and if permitted to remain at large or go unrestrained in the District of Columbia the rights of persons and property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable.

Subscribed and sworn to before me this _____ day of _____, 190____.

Notary Public, District of Columbia.

VIEWS OF THE MINORITY.

The undersigned members of the special committee appointed to make a full and complete investigation of the management of the Government Hospital for the Insane beg leave to submit the following report.

The investigation made by the committee took a very wide scope; and in making this report it is desired to call to the attention of the House the prominent facts which have been proven upon the following points of investigation:

1. Treatment of the inmates.
2. Food supplied to the inmates.
3. Number and character of attendants.
4. Manner of commitment of soldiers and sailors to the hospital.
5. Disposition of the pensions of the soldiers and sailors committed to the hospital.
6. Conduct of the superintendent and the officials under him; his powers.
7. Board of visitors.
8. The importance of a lunacy commission, or of some other method of inspection.

1. The treatment of the inmates of the hospital by the medical staff is, on the whole, humane; the medical treatment is abreast with the times; the most approved and advanced methods are resorted to, and the medical staff in that regard are highly recommended by the profession generally. Some mechanical restraint is used, and it is a question whether some of this could not be done away with if there were in the hospital a sufficient number of attendants. It seems to be the consensus of opinion among alienists that restraint should be reduced to the minimum.

It also appears that the medical staff of the hospital frown on and sternly forbid cruelty to patients by attendants; numerous cases of dismissals of attendants for this reason appear in evidence. But that attendants have treated patients cruelly, both by blows and neglect, is proved beyond doubt, no less than 40 witnesses having testified to specific instances of cruelty, and of these 40 witnesses, 26 of them were attendants and ex-attendants. That there have been numerous other cases of cruelty is most probable, and it must be remembered that these cases have occurred since the 1st day of October, 1903. A management under which such instances could happen, and under which they continue to happen, must be faulty. The fault is partly due to the fact, it seems to the undersigned, that there are not a sufficient number of attendants, 1 attendant being often left on the wards without help and without supervision. It is also true that there is a certain amount of callousness displayed both by physicians and attendants, as well as a want of sympathy with these unfortunate people. (See the evidence in the Gartrell case, to be found on pp. 1537-1573 of the printed record.)

2. As to the food which is supplied to the inmates of the hospital there is a conflict of evidence; but it seems to the undersigned that the great preponderance of the testimony is that the food is generally badly prepared, badly served, and oftentimes is not of such a kind as to be fit for consumption, especially when the character of these people is taken into consideration. It appears that the food served from the general kitchen is cold and unpalatable, that it is sometimes insufficient, and sometimes not fit to eat. Forty-one witnesses testify to one or the other of these conditions, and these witnesses are for the most part employees of the hospital. It appears from the evidence that the meat is frequently bad, and this is not surprising when it is shown that the meat is inspected by persons who are entirely inexperienced. There is no excuse for any or all of these conditions. The Government of the United States makes a very generous appropriation for the care of these unfortunates, and if properly managed and judiciously expended these appropriations are ample to provide good, palatable food, well cooked and properly served.

3. The evidence taken in this investigation shows very conclusively, we think, that there are not enough attendants employed to take proper care of the patients. There are 2,550 patients at this hospital. A large number of these patients are old and bedridden; they are helpless and need constant care and attention. While the officials of the hospital testify that there are 300 attendants whose duty it is to take care of the patients, yet the pay roll submitted by them, and found on page 418 of the printed record, shows that there are only 274 attendants and nurses. It may be true that other hospitals have not as many, but this institution has no excuse for economizing in this direction. Cruelty to patients, neglect of patients, the restraint used, and indeed every fault in the management has its origin in the fact that there are not enough attendants.

Forty-one witnesses testify to this need of attendants, physicians as well as attendants. When we reflect that this Government is amply able as well as anxious to take care of its soldiers and sailors, especially those so unfortunately placed, we can not admit the plea of poverty.

4. It has seemed to us that the manner of commitment of soldiers and sailors to the hospital is not in accord with those principles of law and justice which should be applied in cases involving the liberty and property of the citizens of this country. The law seems to provide that in the case of an enlisted soldier or sailor or of a retired soldier or sailor he can be committed to the hospital upon an order of the Secretary of War or of the Navy, as the case may be. It seems to us clear that these people should be entitled to a jury trial before they are deprived of their liberty.

But the case of the soldiers sent to the hospital from the different soldiers' homes is even worse. They are committed to the hospital upon the order of the president of the board of managers of the National Home for Disabled Volunteer Soldiers. No process of any

kind is invoked. And from the evidence it appears that the president of the board acts upon the ipse dixit of the surgeons of the different homes. Surely a jury trial ought to be had in these cases, especially when it appears that men have been committed to the hospital who were not insane.

5. From the evidence it appears that besides the annual appropriation made for the support of the hospital a large amount of money is derived from the pensions of the soldiers and sailors committed there, and it does not appear that this money is spent for the benefit of the pensioners, but for the inmates of the hospital generally and for improvements to the grounds and buildings. (See pp. 1365, 1366 of the printed record; see also the evidence of Doctor White, pp. 1416, 1417 of the printed record.) We are at a loss to understand why, when the Government amply provides for the maintenance and care of the soldiers and sailors, the pensions of these men should be diverted from their use to the general use of the hospital. A law should be enacted providing that these pensioners should get the benefit of their pensions. It appears that there is now in the Treasury \$130,000 to the credit of pensioners who are inmates of this hospital, and the superintendent contends that five-sixths of this amount can be spent for the general purposes of the hospital. Congress appropriates for the maintenance and support of these pensioners the sum of \$220 per man per year. Some of the pensioners draw \$96 per year and some of them more than this; so, instead of \$220 per year, the hospital is really spending \$300 per year, and in some cases a larger sum, per man, and at the same time these pensioners are not getting the benefit of their pensions. From what we can learn, it is difficult to say how much is spent each year for the maintenance and support of this hospital.

6. It is desired to call attention to the very large powers exercised by the superintendent, who practically appoints every employee of the institution and fixes the salaries of these employees. We think that the superintendent should employ those who have to serve under him, but we believe that Congress should fix the salaries of these employees. So far as it is known to us, this is the only institution under the control of the Government where Congress does not fix the salaries and determine the number of those who shall be employed. It would be superfluous to point out the evils which inevitably result from placing in the hands of one man the power, not only to fix salaries, but to raise and lower them at his will and pleasure. The manner in which appropriations are made for this hospital seems to us faulty. There ought to be a separate bill prepared by the Committee on Appropriations in which the items for the hospital should be set out in detail. The method of lump appropriations has long since been recognized as vicious legislation, and no valid reason can be given for its continuance in this instance.

It also seems to us that the superintendent should be appointed by the President. His office is a most important one, and great care should be used in filling it. We might call attention to the Maenche case for the purpose of showing to what extent the power of the superintendent extends and how it may be abused. Maenche is the superintendent of the laundry, where a large number of people are employed. He was reported on two occasions for an offense against the regulations. No investigation was ever made of these charges, and no excuse was given for the failure to investigate them, although it appears from the evidence taken by the committee that the charge was well founded and that the superintendent of the hospital could easily have ascertained the facts in the case.

7. The functions of the board of visitors are set forth in the statute, and doubtless when this institution was founded the board could adequately perform the duties assigned to them, but with the growth of the hospital it has been more and more impossible for the board of visitors to exercise that amount of supervision which it seems to us is necessary for the well-being and proper government of the hospital. The legal adviser of the board expressed the opinion (and that opinion has been acted upon) that the law contemplated only one visitation a month. The hospital has grown to such an extent that it has become impossible for the board to inspect it, and, as a matter of fact, there are many wards into which the board of visitors do not go once in a year.

8. In this age of inspection has become one of the most important agencies in the government of all institutions. There is, so far as we know, not a State whose hospitals are not subjected to inspection by competent boards appointed for the purpose. And this inspection is not performed by those directly connected with the hospital, but by disinterested and impartial men, whose duty it is to report upon every phase of the management and without fear or favor fearlessly expose any abuse which may exist.

The Government Hospital for the Insane is subject to no inspection except by its superintendent and its board of visitors. Manifestly it should be inspected by some such agency as would correspond to the lunacy commissions of the States. Every witness who testified on this subject, with very few exceptions, was of the opinion that some such system should be inaugurated. It is true that Doctor White, the superintendent, opposed such a method of inspection (see printed record, pp. 913-914), but, on the contrary, the following eminent men were in favor of it: Doctor Clark, of the hospital; Judge Maury, of the board of visitors; Doctors Zeller, Eyman, Robins, Vaughn, Hutchinson, Wolfe, and Drury, Surgeon-General Wyman, and Mr. McGaer, of the lunacy commission of New York. The importance of such inspection is demonstrated by the investigation made by your committee, and common sense and experience in other institutions of this character dictate the necessity for it.

The undersigned would therefore recommend that a commission of lunacy be created for the District of Columbia, to be composed of three members, whose terms of office and compensation shall be fixed by Congress, one member to be a surgeon in the army, to be designated by the Secretary of War; one to be a surgeon in the navy, to be designated by the Secretary of the Navy; and one to be a citizen of the District of Columbia, to be designated by the Commissioners of the District. The powers of the commission should be fixed by law.

The undersigned would also call attention to the loose management of the finances of the institution. The superintendent seems to think that he can take care of, in detail, all the affairs of the hospital, and from this has arisen a good many abuses, notably the farm management.

Respectfully submitted

JAMES HAY.
ROBT. M. WALLACE.

Mr. OLCOTT. I also desire to insert in the RECORD a statement taken from the testimony of the investigation, showing the

number of patients, physicians, and ratio of attendants to patients at various hospitals for the insane throughout the country.

Name of hospital.	Patients.	Physicians.	Ratio of attendants to patients.
Central Islip State Hospital, New York.....	3,900	17	1 to 10
Central State Hospital for Colored Insane, Petersburg, Va.....	1,200	5	1 to 15
Columbus State Hospital, Columbus, Ohio.....	1,600	7	1 to 13
Illinois Asylum for Incurable Insane, Peoria, Ill.....	1,650	5	1 to 9
Kings Park State Hospital, New York.....	2,700	14	(c)
Manhattan State Hospital, New York.....	4,300	30	1 to 9
Massillon State Hospital, Massillon, Ohio.....	1,500	6	1 to 15
Morris Plains State Hospital, Morris Plains, N. J.....	(d)	8	1 to 9
Norristown State Hospital, Norristown, Pa.....	2,500	10	1 to 9

^a And 2 internes.

^b And 1 interne.

^c Not given.

^d Number not given.

As compared with this statement, the Government Hospital for the Insane had about 2,500 patients, and the ratio of attendants to patients is 1 to 8.

There can be no doubt, from these figures, that the Government Hospital for the Insane has a greater number of attendants, in proportion to the patients, than has any other hospital mentioned in the investigation.

I also desire to insert in the RECORD for the information of the House a statement taken from the testimony showing the difference between the hours of service of attendants at the Government Hospital for the Insane and those at other hospitals.

Government Hospital for the Insane, eleven hours.

Columbus State Hospital, Columbus, Ohio (testimony does not give number of hours, but is to the effect that the hours are longer than they are at the Government Hospital for the Insane).

Manhattan State Hospital, New York, thirteen hours.

Central Islip State Hospital, thirteen hours.

All New York hospitals, thirteen hours.

Massillon State Hospital, Massillon, Ohio (testimony does not give number of hours, but is to the effect that the hours are longer than they are at the Government Hospital for the Insane).

Morris Plains State Hospital, Morris Plains, N. J., fifteen hours.

This comparison shows beyond question that the attendants at the Government Hospital for the Insane are better treated, so far as hours of service are concerned, than the attendants at other hospitals for the insane.

The conclusions of the gentleman seem to have been arrived at not after a careful and impartial reading of the testimony, not after a calm judgment after considering all the facts pro and con in the case, not from a fair standard of comparison of the character of the testimony of all of the witnesses, but from that of irresponsible persons and discharged employees of the institution, and of certain other persons who were not allowed free access to the private records of patients at the hospital for the purpose of using it in their business.

The gentleman seems to be keenly disappointed because the committee's report and the views of the minority did not sustain the charges made against the hospital and its superintendent.

The argument of the gentleman is answered by the report of the committee on the investigation and the report of the Committee on the District of Columbia, both of which I have inserted as part of my remarks. These reports give facts, references, and exhibits which can leave no doubt in the mind of any unprejudiced man as to the wisdom of passing legislation to correct the abuses which have been caused by the conflicting laws in regard to the commitment of patients to the Government Hospital for the Insane.

In regard to the bill H. R. 12898, which I introduced, to change the proceedings for admission to the Government Hospital for the Insane, and for other purposes, which bill was unanimously reported by the Committee on the District of Columbia, I beg to insert in the RECORD a copy of the bill, together with the report of the Committee on the District of Columbia, which report contains a statement of the reasons why the insanity law as it now exists should be modified.

[H. R. 12898. Sixtieth Congress, first session.]

A bill to change the proceedings for admission to the Government Hospital for the Insane, and for other purposes.

Be it enacted, etc., That hereafter proceedings for admission to the Government Hospital for the Insane of insane persons residing in the

District of Columbia, and for admission to said hospital of nonresident insane persons found in said District, shall be commenced by petition presented in open court to the justice of the supreme court of the District of Columbia holding a special term for orphans' court business, stating the facts necessary for admission to said hospital, as heretofore provided by law, such petition to be signed and sworn to by some responsible resident of the District of Columbia; but such petition shall not be filed until the court shall be satisfied as to the responsibility and residence of the person signing and swearing to the same and shall make and enter an order directing the filing of such petition.

SEC. 2. That the order of such court directing the filing of the petition shall fix a time for the hearing of such application and shall require copies thereof to be served on the alleged lunatic and on the Commissioners of the District of Columbia at least one day preceding the time fixed for such hearing, and a copy of such order, duly authenticated, shall be inscribed on each of said copies before service thereof. A copy of such order shall also be served upon the husband or wife, father or mother, or next of kin of such alleged insane person, if there be any such known to be residing within the District of Columbia, and if not, upon the person with whom such alleged insane person may reside or at whose house he or she may be, or such other person as the justice, in his discretion, may name, at least one day preceding the time fixed for such hearing.

SEC. 3. That so soon as may be after the filing of the petition the court shall appoint two physicians resident in the District of Columbia, graduates of an incorporated medical college, who shall have been in the actual practice of their profession at least three years and who shall not be in any way connected with or have any interest in the Government Hospital for the Insane or be a relative of the person alleged to be insane or of the person making the petition hereinbefore mentioned, to examine the person alleged in the petition to be insane, which physicians shall make such examination within the period of five days preceding the time set for the hearing and shall testify, under oath, as to the mental condition of the person alleged to be insane. Such physicians shall be allowed a per diem compensation, to be fixed by the court, of not exceeding \$5, to be paid by the District of Columbia on the certificate of the court that the account for such service is just and correct, and other witnesses examined on such application shall be paid by the District of Columbia the fees and allowances prescribed by law for witnesses summoned in behalf of the United States, and all other costs of the proceedings shall be paid by the District of Columbia: *Provided*, That in the case of nonindigent persons all costs of the proceeding shall be defrayed out of the estate of such person, and a deposit shall be paid into the court sufficient to cover such costs. The request for admission to said hospital shall be made within five days after the entry of the order of the court. The provisions of the act of April 27, 1904, providing for temporary commitments to the Government Hospital for the Insane are hereby extended, so far as applicable, to nonindigent insane persons residing in the District of Columbia, as well as to nonresident insane persons found in said District.

SEC. 4. That the court shall require the presence of the alleged lunatic at the hearing of the application, unless for good reason it shall direct otherwise by an order stating such reason; and upon such hearing the court shall hear the testimony introduced by the parties and render a decision in writing as to the alleged lunatic's insanity. That in case the said lunatic shall have property, the court shall, in its order of commitment, direct the committee of said lunatic to pay to said hospital such amount per month as may be deemed by the court just and reasonable toward defraying the expenses of the board and maintenance of such lunatic; but if such insane person shall be indigent, or shall not have more than enough property to support his family dependent upon him for support, the expenses of his board and maintenance in the hospital shall be paid by the District of Columbia, as now provided by law.

SEC. 5. That the order of the court on the hearing of the application on the petition and the evidence shall be made without an inquisition by jury, and all the proceedings under the petition shall be entered in the minutes of the court: *Provided, however*, That the justice to whom application is made may, if no demand is made for a hearing, proceed forthwith to determine the question of insanity, and if satisfied that the alleged insane person is insane may immediately issue an order for commitment to the Government Hospital for the Insane: *And provided further*, That, upon demand of any relative or near friend in behalf of such alleged insane person, the judge shall, or he may upon his own motion, issue an order directing the hearing of such application before him at a time not more than five days from the date of such order, which shall be served upon the persons upon whom the petition is hereinbefore directed to be served, and upon such other person as the justice, in his discretion, may name, and upon such day, or upon such other day to which the proceeding shall be regularly adjourned, the justice shall hear the testimony introduced by the parties and examine the alleged insane person, if deemed advisable, in or out of court, and render a decision in writing as to such person's insanity. If it be determined that such person is insane, the justice shall forthwith issue an order committing him to the Government Hospital for the Insane: *And provided further*, That the court may, in its discretion, call a jury to determine the question of insanity: *And provided further*, That if a person ordered to be committed pursuant to the provisions of this act, or any relative or friend in his behalf, is dissatisfied with the final order of a justice committing him, he may, within ten days after the making of such order, appeal therefrom to a justice of the supreme court other than the justice making the order, who shall cause a jury to be summoned and shall try the question of such insanity, in which event the proceedings shall be in accordance with the provisions of section 115a of the Code of Laws of the District of Columbia relating to lunacy proceedings, embodied in the act of Congress approved June 30, 1902: *And provided further*, That the jury to be used shall be impaneled by the United States marshal of said District, upon the order of the court, from jurors in attendance upon the courts of said District, who shall perform such service in addition to and as part of their duties in said courts: *And provided further*, That during such time as jurors are not in attendance upon said courts the court may direct said marshal to impanel the jurors in attendance upon the police court in said District, who shall perform such duties in addition to and as a part of their duties in said police court, or said court may direct a special jury to be summoned for such inquisition: and if the verdict of the jury be that such person is insane, the justice shall certify that fact and make an order of commitment as upon the original hearing, and such order shall be presented, at the time of the commitment of such insane person, to the superintendent of the Government Hospital for the Insane. Proceedings under the order shall not be stayed pending an appeal therefrom except upon an order of a justice of the supreme court of the District of Columbia, and made upon a notice and

after a hearing, with provisions made therein for such temporary care or confinement of the alleged insane person as may be deemed necessary.

SEC. 6. That it shall be the duty of the Commissioners of the District of Columbia, so soon as practicable, to return to their places of residence or to their friends all indigent insane persons not residing in the District of Columbia at the time they become insane who are now or hereafter may be detained in the Government Hospital for the Insane, or who shall be committed to the said hospital to be temporarily cared for, and all necessary expenses incurred by the commissioners in ascertaining the locality where such persons or their friends belong and in returning them to such locality shall be defrayed by the District of Columbia.

SEC. 7. That all provisions of law inconsistent with this act be, and the same hereby are, repealed.

[House of Representatives. Report No. 1425. Sixtieth Congress, first session.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 12898) to change the proceedings for admission to the Government Hospital for the Insane, and for other purposes, report the same back to the House with the recommendation that it do pass when amended as follows:

Strike out of page 1, line 9, the words "a special term for orphans' court business" and insert in lieu thereof the word "probate."

Strike out of page 1, line 12, the word "some" and insert in lieu thereof the words "at least three," and change the word "resident," in the same line, to the plural.

Strike out of page 2, line 1, the words "and shall" and insert in lieu thereof the words "when it shall."

Strike out of page 2, line 19, the words "or more."

Strike out of page 3, line 7, the word "ten" and insert in lieu thereof the word "five."

Strike out of page 3, lines 18, 19, and 20, the words "The request for admission to said hospital shall be made within five days after the entry of the order of the court."

Insert in page 5, line 17, after the word "discretion," the words "or upon demand of any relative or near friend, in behalf of such alleged insane person, shall."

Insert in page 5, line 18, after the word "insanity," the words "within five days of the date of such order."

Strike out of page 7, line 7, the word "become" and insert in lieu thereof the word "became."

The bill provides a simple but positive method of commitment of patients to the Government Hospital for the Insane.

The act mentioned in line 2 of page 3 of the bill is as follows:

[PUBLIC—No. 177.]

An act to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes.

Be it enacted, etc., That any member of the Metropolitan police of the District of Columbia, or any other officer in said District authorized to make arrests, is hereby authorized and empowered to apprehend and detain, without warrant, any insane person or person of unsound mind found on any street, avenue, alley, or other public highway, or found in any public building or other public place within the District of Columbia; and it shall be the duty of the policeman or officer so apprehending or detaining any such person to immediately file his affidavit with the major and superintendent of said Metropolitan police that he believes said person to be insane or of unsound mind, incapable of taking care of himself or herself or his or her property, and if permitted to remain at large or to go unrestrained in the District of Columbia the rights of persons and of property will be jeopardized or the preservation of the public peace imperiled and the commission of crime rendered probable: *Provided, however,* That it shall be the duty of the major and superintendent of the said Metropolitan police to forthwith notify the husband or wife or some near relative or friend of the person so apprehended and detained whose address may be known to the said major and superintendent or whose address can by reasonable inquiry be ascertained by him.

SEC. 2. That the major and superintendent of said Metropolitan police is hereby authorized to order the apprehension and detention, without warrant, of any indigent person alleged to be insane or of unsound mind or any alleged insane person of homicidal or otherwise dangerous tendencies found elsewhere in the District of Columbia than in the places mentioned in section 1 hereof whenever two or more responsible residents of the District of Columbia shall make and file affidavits with said major and superintendent of the Metropolitan police setting forth that they believe the person therein named to be insane or of unsound mind, the length of time they have known such person, that they believe such person to be incapable of managing his or her own affairs, and that such person is not fit to be at large or to go unrestrained, and if such person is permitted to remain at liberty in the District of Columbia the rights of persons and of property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable, and that such person is a fit subject for treatment on account of his or her mental condition: *Provided, however,* That before the major and superintendent of the said Metropolitan police shall order the apprehension and detention of any person upon the affidavits of the aforesaid residents or in case of arrest as provided in section 1, he shall, in addition thereto, require the certificate of at least two physicians, who shall certify that they have examined the person alleged to be insane or of unsound mind, and that such person should not be allowed to remain at liberty and go unrestrained, and that such person is a fit subject for treatment on account of his or her mental condition.

SEC. 3. That the Commissioners of the District of Columbia are hereby authorized to place in the Government Hospital for the Insane in said District, and the superintendent of said hospital is hereby authorized to receive, upon the written request of the said commissioners, for a period of time not exceeding thirty days, indigent persons alleged to be insane or of unsound mind, residents of or found within the District of Columbia, and alleged insane persons of homicidal or otherwise dangerous tendencies, residents of or found within the said District, so apprehended and detained as provided in sections 1 and 2 of this act, pending the formal commitment of such persons to said hospital as provided by law, or their transportation to their homes when their places of residence are ascertained by the proper officials charged by law with that duty.

SEC. 4. That the Commissioners of the District of Columbia may authorize the temporary commitment of any of the above-mentioned insane persons or persons of unsound mind so apprehended and detained as provided in sections 1 and 2 of this act (for a period of time not exceeding thirty days) in any other hospital in said District which, in the judgment of the health officer of said District, is properly constructed and equipped for the reception and care of such persons, and the official in charge of which, for the time being, is willing to receive such persons, pending the temporary commitment or the formal commitment of such persons, as provided by law, to the Government Hospital for the Insane or to any other hospital or insane asylum; or any such alleged insane person or person of unsound mind apprehended under sections 1 and 2 of this act may be detained in any police station or house of detention in said District pending the completion of arrangements for his or her temporary detention in the Government Hospital for the Insane or any other hospital or insane asylum; and such persons may be detained in any police station or house of detention in said District until formally committed to the Government Hospital for the Insane or any other hospital or asylum, in the manner provided by law, in case he or she can not be provided for by the said Government Hospital for the Insane and no arrangement can be made for his or her temporary detention in any other hospital or asylum: *Provided, however,* That if, pending the formal commitment of such alleged insane person or person of unsound mind to the Government Hospital for the Insane or to any other hospital or asylum, the superintendent of said Government Hospital for the Insane, in the case of the commitment of a person to said hospital under the provisions of this act, or if two or more physicians in regular attendance at any other hospital or asylum where any person is committed under the provisions of this act, or if two or more surgeons of the police and fire departments, in the case of any person detained at any police station house or house of detention under the provisions of this act, shall certify in writing to the Commissioners of the District of Columbia that such person is not insane or that he or she has recovered his or her reason, the official in charge of the Government Hospital for the Insane or the hospital or asylum in which such person is confined, or the major and superintendent of said Metropolitan police, if such person be confined in a police station house or in a house of detention, shall discharge such alleged insane person or person of unsound mind forthwith and immediately report such action to the Commissioners of the District of Columbia.

SEC. 5. That for the purposes of this act no certificate as to the sanity or the insanity of any person shall be valid which has been issued (a) by a physician who has not been regularly licensed to practice medicine in the District of Columbia, unless he be a commissioned surgeon of the United States Army, Navy, or Public Health and Marine-Hospital Service; or (b) by a physician who is not a permanent resident of the District of Columbia; or (c) by a physician who has not been actively engaged in the practice of his profession for at least three years; or (d) by a physician who is related by blood or by marriage to the person whose mental condition is in question. Nor shall any certificate alleging the insanity of any person be valid which has been issued by a physician who is financially interested in the hospital or asylum in which the alleged insane person is to be confined, or who is professionally or officially connected therewith.

SEC. 6. That any person who makes an affidavit, as required by section 1 or 2 of this act, by which he or she secures or attempts to secure the apprehension, detention, or restraint of any other person in the District of Columbia without probable cause for believing such person to be insane or of unsound mind, or any physician who knowingly makes any false certificate as to the sanity or insanity of any other person shall, upon conviction thereof, be fined not more than \$500 or imprisoned not more than three years, or both.

SEC. 7. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Approved, April 27, 1904.

The following is an extract from the act mentioned in line 4 of page 6 of the bill:

[Public—No. 206.]

An act to amend an act entitled "An act to establish a code of law for the District of Columbia."

Be it enacted, etc., That the following amendments are hereby made to an act of Congress entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901.

SEC. 115a. *Lunacy proceedings.*—All writs de lunatico inquirendo shall issue from said equity court, and the justice holding said court shall preside at all inquisitions of lunacy, and, when necessary, may use a jury from either the circuit or criminal court, or may cause a special jury to be summoned for such inquisitions.

One of the most salient changes provided in this bill, in the method of committing persons to the hospital, is the doing away of jury trials, except when demanded by the patient or some one representing him. The following is an extract from the Report of the Superintendent of the Government Hospital for the Insane to the Secretary of the Interior for 1905:

Lunacy legislation.—Up to a few months ago the method of procedure in the commitment of insane persons from the District was to try them before a marshal's jury. In regard to this practice I would call attention to the following quotation from the last annual report of the hospital:

"More specific legislation, particularly as to the commitment of the insane from the District, is to be desired. This should be along lines already followed out in many of the States, and, on general principles, fairly well established. The most crying defect in the method now in vogue is the necessity of trying each case in open court. There is absolutely no reason or necessity for this, and it can only have the effect of humiliating both the patient and the patient's relatives. It is time that in this community, at least, insanity should be appreciated for what it is—a form of illness—and legal requirements that place a sick man on the same level as a common criminal have no place in an enlightened community."

As a partial correction of the defects of commitment by marshal's jury, Congress passed an act last winter, which was approved February 23, 1905 (see appendix, Exhibit B), which provides that the trial of lunacy cases shall be presided over by a justice of the supreme court of the District of Columbia. This is a considerable improvement over the old method, as some dignity is given to the proceedings, which are conducted in an orderly and decent manner. This same act also provides

for the restoration of the civil rights of the patients who have been discharged from the hospital as recovered, directing that the court, upon certification from the superintendent that the patient has been so discharged, may proceed immediately to issue an order restoring said patients to their former legal status. A further improvement in lunacy conditions was also made by the passage of an act approved April 27, 1905 (see appendix, Exhibit C), which provides for the temporary detention in the hospital for a period not to exceed thirty days of an alleged insane person pending issuance by the proper authorities of a formal commitment. Previous to the passage of this act insane persons had to be kept in local lockups, associated with all sorts of undesirable persons, and frequently without the care which their condition called for.

This legislation, however, is only a tithe of what is really needed. To my mind the crying defect in the present method of commitment to this hospital is the fact that commitment has to be had in open court by inquisition before a jury. This, as I have said repeatedly, results oftentimes in great hardship, both to the patient and to his immediate relatives. It is humiliating to both, and can not possibly do any good and tends to place the unfortunate person afflicted with insanity in the same category as one accused of crime. If one were only to attend these hearings and see the method of commitment in operation he would be impressed constantly with the fact that both by method of procedure and terminology employed the alleged insane person is placed on a par, legally at least, with the criminal. He is cited into court, accused of insanity upon an affidavit of lunacy signed by two citizens, in which they state that if the insane person "be permitted to remain at liberty in said District, the rights of persons and of property therein will be jeopardized, the preservation of the public peace imperiled, and the commission of crime rendered probable."

Nothing appears to indicate that the unfortunate insane person is committed to the institution for his welfare, to be treated for disease and if possible restored to sanity and useful citizenship, the implication being that he is removed from the community because he is a dangerous element thereof. The question of insanity is solely and absolutely a medical question to be solved by medical men, and there is no more sense in submitting such a question to a jury of 12 laymen than there is in submitting any other medical question, such, for example, as the existence of typhoid fever, to such a jury.

The unfortunate part of it all is, too, that not only does this method of procedure bring shame and humiliation upon the patient and the patient's friends and relatives, but it does actual harm by oftentimes frightening and disturbing the patient to such an extent as to interfere with his recovery, and, further than that, by making patients and friends and relatives of patients loath to seek the relief of an institution which can only be extended under such circumstances. A hospital for the insane should be made easy of access to the afflicted, because here, as in other departments of medicine, it is often of the highest importance that the patient be received for treatment during the early stages of the disease, for then, if ever, the outlook for recovery is favorable. If admission to a hospital is delayed because of the necessity of appearing in open court and detailing all the particulars of the mental illness of the patient to the public, then it is that only when the patient has done some overt act of violence, perhaps, or committed some depredation upon person or property, that they are haled before a justice for commitment, perhaps too late to avail anything toward the patient's recovery, and certainly too late to undo the damage that the patient has done under the visitation of insanity.

Many of the States in the Union that have enlightened lunacy legislation have all long since done away with the inquisition by jury, and so also have many of the European countries. The District of Columbia dates its method of procedure back for over a hundred years. Surely it is time that it awoke to the fact that the world has gone on and left it behind in this matter. In New York State the lunacy legislation of which I am most familiar with, the patient, upon a petition to the court, is examined by two physicians appointed by the judge, notice meanwhile being served upon him that application is to be made for his commitment to an institution for the care, custody, and treatment of the insane. He may then, if he makes the request, or if a friend or relative on his behalf makes the request, be tried before a jury, or the presiding justice may, upon his own motion, direct that such case be tried before a jury; but in the absence of such request or direction, the justice before whom the case is brought, if he is satisfied upon the certification of the examining physicians that he is in fact insane and a proper subject for care, custody, and treatment in an institution for the insane, proceeds forthwith to commit. In other words, it would seem that the absence of a demand for a jury trial constitutes a waiver, and in my own experience, comprising hundreds of cases, I may say that as a very liberal estimate not 1 per cent of the cases go before a jury, and that this method works admirably and results in the benefits of the institution being extended to those who need them at an early period in their mental affliction, when such benefits may be supposed to result in recovery from the attack of insanity.

The special committee appointed to investigate the management of the Government Hospital for the Insane, in its report dated February 15, 1907 (No. 7644, 59th Cong., 2d sess.), said:

Fifteenth. As to the commitment of patients.—A great deal of time has been given to the question of the authority for and method of commitment of indigent patients from the District of Columbia to the hospital, and after a careful examination of the law in connection therewith the committee has no hesitancy in saying that the law as it now stands on that subject is misleading, conflicting, and ambiguous.

In addition to the Revised Statutes heretofore referred to, at page 1786 of the record and following, the committee found that the deficiency appropriation act of June 30, 1903, provided that "hereafter proceedings by the Commissioners of the District to commit indigent insane persons and insane persons with homicidal or dangerous tendencies shall be in the equity court of the said District and shall be in conformity with the law in force in the said District on the 30th day of January, 1899."

It also found another act, passed February 25, 1905, which was not included in the printed copy of the Revised Statutes filed as an exhibit.

Also, in the Code of Laws for the District of Columbia, amended to and including March 3, 1905, the committee found a provision, section 115a, in connection with lunacy proceedings, as follows:

"SEC. 115a. *Lunacy proceedings.*—All writs de lunatico inquirendo shall issue from said equity court, and the justice holding said court shall preside at all inquisitions of lunacy, and, when necessary, may use a jury from either the circuit or criminal court, or may cause a special jury to be summoned for such inquisitions."

To revert to the question as to the manner of commitment of indigent patients from the District of Columbia, it might be well, perhaps, to dilate upon the methods now in practice, and the law relating thereto, from the beginning of the hospital up to the present time.

Prior to February 16, 1885, commitments were usually made by the Secretary of the Interior upon the statements of two physicians and a relative or friend of the alleged lunatic, presumably in accordance with the statutes at that time in force, until one Bryant, a patient at the hospital, sued out a writ of habeas corpus, demanding his release upon the ground that he was committed without due process of law.

On the date last above mentioned the supreme court of the District of Columbia decided in that case that Bryant was committed without due process of law, and it therefore ordered his discharge from the hospital, declaring, among other things, that the whole question of commitment was regulated by the Maryland statute of 1785, chapter 27, section 6, providing that the insanity of a person should in all cases be established by an inquiry through a jury; that the sections of the Revised Statutes as they then existed did not contemplate compulsory seclusion in the hospital without due process of law, and that if they meant anything else they would be unconstitutional.

Thereafter all proceedings in lunacy were had before a marshal's jury, in accordance with the Bryant decision and the law of Maryland, until January 31, 1899, when Congress passed an act (now section 8425 of the Revised Statutes as amended) doing away with the necessity of the marshal's jury and directing the proceedings to be brought before one of the justices of the supreme court of the District.

This law of 1899, it would seem, remained in effect until June 30, 1903, when Congress made a provision in the deficiency appropriation act, that "proceedings . . . to commit indigent insane persons . . . shall be in the equity court of the said District and shall be in conformity with the law in force . . . on the 30th day of January, 1899."

In other words, Congress directed that such commitments should be made only after an inquiry by a marshal's jury.

In 1901 a provision was inserted in the Code of Laws for the District of Columbia, sections 115a, etc., "that such cases should be heard before a justice of the equity court . . . who shall, when necessary, use a jury from either the circuit or criminal court, or may cause a special jury to be summoned for such inquisitions."

Chapter LX of the said code, however, containing the repeal provisions, in paragraph 8 thereof specifically excepts from the acts repealed thereby "all acts or parts of acts relating to . . . the commitment of the insane in the District of Columbia," etc., which, of course, meant the retention of the method of hearings before a marshal's jury. Further than that, section 8435 of the Revised Statutes specifically provides for such marshal's jury in these cases, so that it would seem that the code makes one provision for a trial before the court which had power to call a special jury and another for a trial by marshal's jury.

Congress again passed another act on April 27, 1904 (secs. 8436, 8437, 8438, 8439), authorizing any member of the Metropolitan police of the District to apprehend and detain without warrant any insane person found on any street, avenue, etc., and directing such officer to make affidavit as to the sanity of the person so apprehended, and that notification should be given to the relatives of the insane person, provided his address could be found.

This act also authorizes the major and superintendent of the Metropolitan police to order the apprehension and detention without warrant of any indigent person alleged to be insane found elsewhere in the District than on the street, avenue, etc., as aforesaid—"whenever two or more responsible residents of the District of Columbia shall make and file an affidavit with said major and superintendent . . . setting forth that they believe the person therein named to be insane or of unsound mind, the length of time they have known such person . . . : *Provided, however,* That before the major . . . shall order the apprehension and detention of any person upon the affidavits of the aforesaid residents, or in case of arrest, as provided in the section last preceding [on the streets, etc.], he shall, in addition thereto, require the certificate of at least two physicians, who shall certify that they have examined the person alleged to be insane," etc.

It further states that the Commissioners of the District of Columbia are authorized to place in the hospital, and the superintendent is authorized to receive upon the written request of the said Commissioners, for a period of time not exceeding thirty days, indigent persons alleged to be insane or of unsound mind, residents of or found within the District of Columbia, and alleged insane persons of homicidal or otherwise dangerous tendencies so apprehended and detained as hereinbefore provided, pending the formal commitment of such persons to said hospital, as provided by law, and that any such alleged insane person may be detained in any police station or house of detention in said District pending the completion of arrangements for his temporary detention in the hospital. It also provides that if, pending the formal commitment of such alleged insane person, the superintendent of such hospital, in the case of the commitment of a person to said hospital, or if two or more physicians in regular attendance at any other hospital or asylum where any person is committed under the provisions of the act, or if two or more surgeons of the police and fire departments in the case of any person detained at any police station or house of detention as aforesaid, shall certify in writing to the Commissioners of the District that such person is not insane or that he has recovered his reason, the official in charge of the hospital, or the major and superintendent of police, if such person be confined in a police station house or in a house of detention, shall discharge such alleged insane person or persons of unsound mind forthwith and immediately report such action to the Commissioners of the District. The act then provides for the character of the affidavits of physicians and the penalty for making false affidavits, etc.

The law of April 27, 1904, aforesaid, repeals all acts and parts of acts inconsistent with the provisions thereof.

Again, and on February 23, 1905, Congress passed another act which provides that thereafter the proceedings to determine the mental condition of alleged indigent insane persons shall be according to the provisions of the Code of Law for the District of Columbia relating to lunacy proceedings, provided that the jury to be used shall be impaneled by the United States marshal for said District, upon order of the court, from the jurors in attendance upon the criminal courts of said District, "who shall perform such services in addition to and as part of their duties in said criminal courts: *Provided further,* That during such time as jurors are not in attendance upon said criminal courts the court may direct the said marshal to impanel the jurors in attendance upon the police court . . . or the said court may direct a special jury to be summoned for such inquisitions."

The act also provides for the appointment of a committee in case the person is declared insane and has property, and that, in case the person adjudged insane shall thereafter be discharged as cured, the superintendent of the hospital shall immediately thereafter file with the clerk of the supreme court of the District his sworn statement that such person, in his opinion, was at the time of his discharge of sound mind, and that such statement shall be sufficient to authorize the court to pass an order declaring such person to be restored to his or her former legal status as a person of sound mind.

It is apparent from a careful reading of the Revised Statutes and the law relative to the procedure in cases of commitment that such commitment is permitted in various ways, except that it is absolutely necessary for all commitments of civilians to be made by due process of law or inquiry by a jury.

The practice in proceedings for commitment of indigent patients to the hospital, as now followed by the Commissioners of the District, is as follows:

"Application by relatives or friends.—Affidavit is made by two residents of the District, usually relatives of the alleged insane person, alleging the insanity of the person; that they believe him to be of unsound mind, incapable of managing his affairs, and a fit subject for detention and treatment at the Government Hospital for the Insane; the length of time he has been in such condition; that he is not fit to be at large; that if he be permitted to remain at liberty in said District the rights of persons and of property therein will be jeopardized, the preservation of the public peace imperiled, and the commission of crime rendered probable; that they believe that he is not the possessor of any lands and tenements, and that he is indigent and unable to pay for his care and treatment at said hospital."

This affidavit is made upon a blank furnished by and filed with the sanitary officer in the Metropolitan police department; and a copy of the form thereof is annexed hereto and marked "A."

Another affidavit is furnished by and filed with said officer, made by two physicians, stating that they, being qualified to make the affidavit as provided by law, certify that they have made an examination of the mental condition of the person said to be of unsound mind and that in their judgment the said person is of unsound mind and should not be allowed to remain at liberty unrestrained, and that said person is a fit subject for treatment on account of his mental condition. A copy of the form of such affidavit is annexed hereto and marked "B."

A certificate furnished by said officer is then made out by the said physicians, stating that they, after a personal examination of the said person, find him to be insane, which certificate gives the history of the case as far as the physicians have been able to obtain the same. Such certificate is filed with said officer, who thereafter files the same with the superintendent of the Government Hospital for the Insane at the time of the admission of the said insane person to the hospital. The person so found to be of unsound mind is brought to the hospital either by his relatives or friends or by the superintendent of the Metropolitan police or one of the officers thereof. A copy of the form of said certificate is annexed hereto and marked "C."

The papers above mentioned, to wit, A, B, and C, are then handed to the Commissioners of the District, and the said commissioners then prepare a form of temporary commitment addressed to the superintendent of the hospital, requesting the said superintendent to admit the person declared to be of unsound mind, pending a formal investigation of his mental condition according to law. A copy of such form of temporary commitment is hereto annexed and marked "D."

Within thirty days after such temporary commitment the person so committed is brought before the supreme court of the District and a jury, upon the petition of the commissioners, accompanied by the papers aforesaid (the said commissioners being represented by the corporation counsel), and the question as to the sanity or insanity of the said person decided.

If the said person be declared insane by said court and jury, the Commissioners of the District, being informed thereof, fill out another form (the permanent commitment), stating that the records of the supreme court show that a jury, lawfully impaneled and presided over by one of the justices of said court, according to law, has declared the said person to be of unsound mind and a fit subject for detention and treatment, and that a verdict of said jury has been duly confirmed by said court, and requesting and directing the superintendent of the Government Hospital for the Insane to admit the said person to the benefits and privileges of the Government Hospital for the Insane, in conformity with the statute in such case made and provided. A copy of such form of commitment is annexed hereto and marked "E."

In cases of commitment of persons who are not indigent the same method is pursued and the same forms used, except that such forms state that the said person is a "pay patient."

There is also another form of permit used, a copy whereof is hereto annexed and marked "F," which is signed by the Commissioners of the District, who request the superintendent to receive a patient formerly discharged from the hospital as "improved," but who has again manifested mental unsoundness with dangerous tendencies. This permit states the fact of the former commitment of the patient and his discharge from the institution as improved, and that if he be allowed to remain at liberty the public peace will be imperiled and the commission of crime rendered probable, etc. In these cases the blanks A, B, and C are again used, but the patient is not brought into court, in view of the fact that he was not discharged as "cured" and was still on the court docket as an insane person.

Arrest of insane persons.—This report has already set forth the act of 1904, granting authority to the major and superintendent or any member of the Metropolitan police of the District to apprehend and detain, without warrant, any insane person or persons of unsound mind "found on any street, avenue, alley, or other public highway, or found in any public building or other public place within the District of Columbia."

The officer making the arrest is required to make an affidavit, the form of which is also provided by and filed with the sanitary officer aforesaid, a copy whereof is hereto annexed and marked "G." Such form of affidavit states that, from what the officer knows and has seen of such person, he believes him to be of unsound mind, incapable of taking care of himself or his property, and that if permitted to remain at large or go unrestrained in the District the rights of persons and property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable.

In addition to this affidavit the affidavit and certificate of two physicians must be made and filed, and the forms B and C aforesaid are used for that purpose, and the same method of temporary commitment and subsequent proceedings for permanent commitment or discharge of the alleged insane person is followed as in the case where application is made by a friend or relative.

The Commissioners of the District, after the temporary commitment, employ a physician to visit the patient and examine his mental condition, and this physician gives testimony in court at the time of the trial.

Dr. Presley C. Hunt, a witness called before the committee, for some time has been making such examinations, and the committee quotes from his testimony at page 623 of the record as follows:

"Before the case comes to trial, which under the law has to be within thirty days, I examine that case, generally a day or two days after the trial comes on. I am allowed to look over the first examination paper made by the different surgeons, and then I examine the man himself to find out his mental condition, and I testify in court to such condition after the police surgeons have testified. If in my opinion the case has sufficiently recovered to be discharged, the jury, as a rule, takes my opinion and discharges the patient. Last week, for instance, there were two cases that were certified * * * that were discharged by order of the court on my testimony."

The Commissioners of the District, therefore, are the only authority for committing civilians to the hospital, and the committee is unable to see just what might happen if the said commissioners refuse to commit a person, especially after a trial before the court and jury as aforesaid.

There is not before the committee evidence of any injustice having been done to anybody by reason of this method of commitment, but it believes that the methods thus stated, even if they be considered the only proper construction of the statutes, are unduly cumbersome, and that the procedure in these lunacy cases might be improved with beneficial results to all concerned.

The whole law as to the question of commitment of patients and the method of procedure in connection therewith should be changed, and a statute should be enacted in lieu thereof which would be clear and explicit, defining the lunacy proceedings in as simple a manner as possible.

It might properly be argued that the power given to the Commissioners of the District to commit patients after the findings of the jury and the order of the court thereon is superfluous, and there might also be a fair objection to the method of having a jury trial to inquire into the sanity or insanity of the person temporarily committed in every case.

For instance, in the case of a jury trial, where the jury finds that the person before it is insane, the order of the judge presiding at such trial, upon such finding, might be sufficient for all purposes, and the patient committed upon such judge's order, thereby doing away with the necessity for a commitment by the commissioners.

And as to the objection to the jury trial in every case before commitment, it could be said that in some cases great hardship would ensue, both to the patient and his relatives. There is no doubt that in many cases the patient is undoubtedly and perhaps dangerously insane and the publicity attending these trials humiliating to a degree.

And again it might be said with propriety that the whole question of insanity is purely and absolutely a medical one, and that it would be eminently proper to have the question decided by medical men rather than by a jury of laymen.

In many of the States of the Union the method of commitment is more simple than in the District of Columbia, and there is no necessity or provision for jury trials in every case nor for the cumbersome methods here practiced.

In the event of the enactment of a new lunacy law for the District of Columbia which would eliminate the necessity of a jury trial, as before mentioned, a provision could be made therein giving the patient, or his relatives or friends, the right to demand a jury trial before commitment, after notice given to him that application is to be made for his commitment. Provided the patient has no friend or relative, the power to request a jury trial might be given to some official of the District; for example, the Board of Charities.

It is the opinion of the committee that there is urgent necessity for a change in the lunacy law, and it therefore recommends that a new statute be enacted in place of what it considers the vague and conflicting law on that subject at the present time.

A.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT—SANITARY OFFICE.
Affidavit of lunacy.

WASHINGTON, D. C., _____, 190—.

We, the undersigned residents of the District of Columbia, do certify, under oath, that we have known _____ for _____ years and _____ years, respectively, and we believe _____ has been a resident of the District of Columbia for the past _____ years, and from what we know and have seen of _____ we believe _____ to be a person of unsound mind, incapable of managing _____ own affairs, and a fit subject for detention and treatment at the Government Hospital for the Insane in said District; that _____ has been in such condition to the best of our knowledge and belief since the _____ day of _____, 190—; that in _____ present condition _____ is not fit to be at large, and if _____ be permitted to remain at liberty in said District the rights of persons and of property therein will be jeopardized, the preservation of the public peace imperiled, and the commission of crime rendered probable, and we believe, from information received, that _____ is not the possessor of any lands and tenants; and we further believe _____ to be indigent and unable to pay for _____ care and treatment at said Government Hospital for the Insane.

Residence, _____.

Residence, _____.

Subscribed and sworn to before me this _____ day of _____, 190—.

Notary Public, District of Columbia.

B.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT—SANITARY OFFICE.
Certificate of lunacy.

WASHINGTON, D. C., _____, 190—.

We, the undersigned physicians, having the qualification to make this certificate prescribed by section 5 of the act of Congress approved April 27, 1904, entitled "An act to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and

for other purposes."* hereby certify that we have made an examination of the mental condition of the above-named _____, and in our judgment said _____ is of unsound mind, and should not be allowed to remain at liberty and go unrestrained, and that said person is a fit subject for treatment on account of _____ mental condition.

_____, M. D.,
Residence, _____

_____, M. D.,
Residence, _____

QUALIFICATIONS FOR PHYSICIANS.

*SEC. 5. That for the purposes of this act no certificate as to the sanity or the insanity of any person shall be valid which has been issued (a) by a physician who has not been regularly licensed to practice medicine in the District of Columbia, unless he be a commissioned surgeon of the United States Army, Navy, or Public Health and Marine-Hospital Service; or (b) by a physician who is not a permanent resident of the District of Columbia; or (c) by a physician who has not been actively engaged in the practice of his profession for at least three years; or (d) by a physician who is related by blood or by marriage to the person whose mental condition is in question. Nor shall any certificate alleging the insanity of any person be valid which has been issued by a physician who is financially interested in the hospital or asylum in which the alleged insane person is to be confined, or who is professionally or officially connected therewith.

SEC. 6. * * * Any physician who knowingly makes any false certificate as to the sanity or insanity of any other person shall, upon conviction thereof, be fined not more than \$500 or imprisoned not more than three years, or both.

C.

DEPARTMENT OF THE INTERIOR, GOVERNMENT HOSPITAL FOR THE INSANE.

Medical Certificate.

We certify that after a personal examination of the within-named person we find _____ to be insane. The following is a history of the case as far as we have been able to obtain it:

Name, _____; age, _____; sex, _____; Married, single, widowed. Nativity, _____; education, _____; occupation, _____; religion, _____; post-office address of friends, _____; telegraph address, _____.

What relatives, including grandparents and cousins, have suffered from either of the following diseases: Insanity, epilepsy, chorea, hysteria, neurasthenia, tuberculosis?

Were parents addicted to excessive use of alcohol, opium, chloral, or other narcotics?

Habits of patient as to same, _____.

Previous peculiarity of patient as to temper, conduct, etc., _____.

Has patient had epilepsy, apoplexy, syphilis, tuberculosis, heat exhaustion, or other serious physical disease?

Evidence of sexual excess or abnormal sexual habits? _____.

History of previous attacks, if any, _____.

When and how did the first symptoms of the disease become manifest?

Was there, previous to that date, any changes in disposition, or evidence of physical or mental depression or disorder?

Describe as fully as possible the present symptoms of insanity:

What are the probable causes of the present attack, either predisposing or exciting?

Do suicidal or homicidal tendencies exist; if so, how manifested?

In what institutions, if any, and when, has patient received treatment?

What special medical treatment has patient received during this attack? _____.

QUESTIONS FOR FEMALES.

Number of children, _____; age of youngest, _____; number of miscarriages, _____; date of last one, _____.

Has patient had any uterine or ovarian disease? _____.

What menstrual irregularities, if any? _____.

We hereby certify that the foregoing history is as complete as the opportunities at our command will permit.

_____, M. D.,
P. O. address, _____

_____, M. D.,
P. O. address, _____

_____,
Examining Physicians or Surgeons.

Date, _____, 190—.
Remarks, _____.

D.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA, Washington, _____, 190—.

Sir: The Commissioners of the District of Columbia request the admission of _____ to the Government Hospital for the Insane under the provisions of the act of Congress approved April 27, 1904 (33 Stat. L., 316), pending a formal investigation of _____ mental condition according to law. The said _____ has been examined under the provisions of said act, and declared to be insane and a fit subject for treatment by Doctors _____.

In consideration of _____ admission to and remaining in said institution, the commissioners agree to comply with the regulations of the hospital in regard to the payment of board, and in all other respects.

By order of said commissioners:

_____,
Sanitary Officer, M. P.

_____,
Secretary.

To the SUPERINTENDENT OF THE GOVERNMENT HOSPITAL
FOR THE INSANE, DISTRICT OF COLUMBIA.

E.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA, Washington, _____, 190—.

Sir: It appearing from the records of the supreme court of the District of Columbia, holding an equity court (lunacy cause No. _____), that a jury, lawfully impaneled and presided over by one of the justices of said court, according to law, has declared _____ to be of un-

sound mind and a fit subject for detention and treatment, and it further appearing that the verdict of said jury has been duly confirmed by said court, you are hereby requested and directed to admit the said _____ to the benefits and privileges of the Government Hospital for the Insane, in conformity with the statute in such case made and provided.

Witness our hands and the seal of the District of Columbia this _____ day of _____, A. D. 190—.

_____,
Commissioners of the District of Columbia.

To the SUPERINTENDENT OF THE GOVERNMENT HOSPITAL
FOR THE INSANE IN THE DISTRICT OF COLUMBIA.

F.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA, Washington, _____, 190—.

Sir: It being represented to the Commissioners of the District of Columbia, through the Metropolitan police department of said District, that _____, who was committed to the Government Hospital for the Insane of this District on the _____ day of _____, A. D. 190—, after being adjudged to be of unsound mind by due process of law, and who was on the _____ day of _____, A. D. 190—, discharged from said institution as "improved," has again manifested mental unsoundness with dangerous tendencies, and that if he be allowed to remain at liberty the public peace will be imperiled and the commission of crime rendered probable, you are requested to take said person into your custody for further care and treatment at said institution.

Very respectfully,

_____,
Commissioners of the District of Columbia.

To the SUPERINTENDENT OF THE GOVERNMENT HOSPITAL
FOR THE INSANE IN THE DISTRICT OF COLUMBIA.

G.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT—SANITARY OFFICE.

Affidavit of lunacy.

WASHINGTON, D. C., _____, 190—.

I, the undersigned, being an officer duly authorized to make arrests in the District of Columbia, do certify under oath that I have apprehended and detained _____, and from what I know and have seen of _____ I believe _____ to be insane or of unsound mind, incapable of taking care of _____ self or _____ property, and if permitted to remain at large or go unrestrained in the District of Columbia the rights of persons and property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable.

Subscribed and sworn to before me this _____ day of _____, 190—.

_____,
Notary Public, District of Columbia.

The following is an abstract of the laws of various States of the Union in force April 1, 1908, relative to the commitments of patients to hospitals or asylums for the insane:

Alabama.—Judge of probate may act with or without verdict of the jury, at his discretion.

Arizona.—Probate judge may act.

Arkansas.—Probate judge or county judge may act.

Colorado.—County court or judge, and jury if the alleged insane person so elect.

Connecticut.—Judge of superior court may act.

California.—Judge or jury (if demanded) upon proper testimony.

Delaware.—Written order of chancellor or state trustees.

Florida.—Circuit judge or county judge.

Georgia.—Petition to the ordinary, who must act upon the verdict of twelve men.

Illinois.—Petition to the judge of the county court, and a jury of six persons, one of whom shall be a physician.

Indiana.—Two justices of the peace and a respectable practicing physician.

Iowa.—Commissioners of insanity receive applications, make inquiry into the patient's condition, hear evidence, etc., with power to commit. (See also laws of Dakota.) May appeal to district court from findings of commissioners.

Idaho.—Any judge of court of record may act.

Kansas.—Probate judge or jury of four men, one of whom shall be a physician.

Kentucky.—Circuit court judge and jury required.

Louisiana.—Judge of the district or parish court may act.

Maine.—Municipal officers of the town constitute board of examiners. Commitment on the certificate of at least two respectable physicians, based upon view, inquiry, and personal examination, etc.

Massachusetts.—Judge of supreme court or superior court or a judge of probate court may commit any insane person who is a proper subject for treatment or custody. No commitment without the certificate of two physicians, each of whom to be a graduate, etc. Violent persons may be received at hospitals without warrant of commitment for not exceeding five days without an order of the judge, as provided.

Michigan.—The judge of probate or jury of twelve men.

Minnesota.—Judge of probate may act, assisted by two persons, one of whom shall be a duly qualified physician, and three shall constitute a jury, etc.

Missouri.—Probate court shall cause inquiry and decision by jury to be made.

Montana.—A district judge acts. Must subpoena two physicians to make examination and testify and sign certificate.

New York.—Certificate of two physicians under oath, setting forth the insanity of such person within five days from day of confinement. Certificate must be approved by a judge or justice of a court of record of the county or district, etc. Judge may institute inquiry and make proofs as to lunacy before approving or disapproving such certificate. Judge may in his discretion call a jury to determine the question of lunacy.

New Jersey.—Order of court or common pleas court judge authorized to send patients, etc., and request, etc., having been first lodged

with the superintendent of the hospital or asylum upon certificate of two physicians.

New Hampshire.—Order of court or the judge of probate on certificate of two respectable physicians, etc., and such certificate shall be accompanied by a certificate of the judge of the supreme court or a court of probate, a mayor, or a chairman or a selectman testifying to the truthfulness of the signatures of the signers.

Nebraska.—Commissioners may act. Must have testimony of one physician.

Nevada.—District judge and two physicians.

New Mexico.—Commission and jury, as the circumstances may seem to require.

North Carolina.—Clerk of the superior court acts on testimony of at least one physician.

Maryland.—Circuit court of the county, etc., shall cause a jury of twelve to be empaneled and pass upon the question, etc.

Ohio.—Probate judge on certificate of medical witnesses.

Oregon.—County judge may act. Testimony of one or more physicians.

Pennsylvania.—Two or more reputable physicians under a personal examination made within one week of the date of their certificate, and the certificate to be duly acknowledged and sworn to or affirmed before a judge or magistrate of the county that such person has been examined, who shall certify to the genuineness of the signatures, etc., and the standing and good repute of all of the signers.

Rhode Island.—Judge of district court on certificate of two practicing physicians of good standing known to him as such.

South Carolina.—The superintendent and regents of the state lunatic asylum prepare questions to be answered. Judge of probate prepares answers, and, if patient can be admitted, judge of probate to examine two licensed practicing physicians, and the three shall make inquiry.

Tennessee.—Justice of peace may commit lunatic to jail until next term of court.

Texas.—County judge and jury of six men.

Utah.—District judge. Testimony of two physicians.

Vermont.—Judge of probate may act on certificate of two physicians.

Virginia.—Justices of the peace or county or corporation judge, with two physicians constitute a commission to act.

Washington.—Judge of superior court of any county may act on certificate of two physicians, but the alleged lunatic may demand a jury to decide upon the question of his insanity.

West Virginia.—Justice of the peace may act on testimony of one physician.

Wisconsin.—Judge may act, assisted by a jury if demanded, on testimony of two physicians.

Wyoming.—Jury as in civil actions.

Mississippi.—By order of chancery court after an inquest of lunacy by six freeholders.

It will therefore appear that in a great majority of States in the Union the trial by jury is not obligatory unless special demand therefor is made.

The following is a letter from Hon. William A. Maury, of the board of visitors of the hospital, to the superintendent as to a jury trial being necessary before commitment:

SPANISH TREATY CLAIMS COMMISSION,
Washington, D. C., November 10, 1905.

MY DEAR SIR: In my desire to promote the beneficent object of removing from our statute book the objectionable provision that an inquisition by jury shall be a necessary condition to the admission of a feeble-minded person to the Government Hospital for the Insane, I have gone over the legislation of the States of this Union on the subject of admission of the feeble-minded to hospitals, and I find that almost all of the States commit the important function of sending such persons to hospitals to some judicial officer, either a probate or circuit judge, and prescribe the nature of the evidence upon which his action shall be based.

There are a few States where a common-law jury or something analogous is required. For instance, Alabama commits the function to the judge, leaving it discretionary with him to impanel a jury. Colorado authorizes action by the county court or some judge, and a jury if the alleged insane person shall so elect. Georgia requires that the ordinary to whom the petition for admission must be addressed must act upon the verdict of twelve men. Illinois empowers the judge of a county court, with a jury of six persons, one of whom shall be a physician. Kentucky requires a jury. Minnesota authorizes the judge of probate to act, assisted by two persons, one of whom shall be a duly qualified physician, and the three shall constitute a jury, etc. Missouri gives jurisdiction to the probate court and a jury. Montana provides for a judge or county commissioner, assisted by a jury of three persons. New York authorizes the judge to act, making it discretionary with him to impanel a jury to determine the question of lunacy. Nevada requires a district judge and two physicians. New Mexico requires a commissioner and a jury, as the circumstances seem to require. Maryland requires a jury of twelve to be impaneled. Washington requires the probate court to act, but allows the alleged lunatic to demand a jury. Wisconsin authorizes the judge to act, assisted by a jury, if demanded.

Of the States just enumerated it will be observed that only eight require inquisition by jury as a necessary condition to admission to a hospital for the insane.

The point made against the recent statute for the District authorizing admission to the hospital on the order of the judge of the probate court was that due process of law under the Constitution required that there should be an inquisition by jury. The act of February 28, 1861, sections 4845, 4846, and 4847, Revised Statutes, provided for the admission of patients on the certificate of any judge or justice of the peace and order of the Secretary of the Interior, on the application by a member of the board of visitors; and it was not until Bryant's case came up on habeas corpus that the position was taken and sustained that the act of Congress, which had been acted upon for so many years, was unconstitutional, in that it authorized admission of patients into the hospital without a trial by jury. Nobody ever went so far as to say that people with malignant and contagious diseases could not be put in pesthouses without a previous inquisition by jury. And yet insanity is as much a disease against which the community needs protection as smallpox or leprosy or yellow fever.

The term "due process of law," as stated in the Constitution, is generally interpreted by reference to what was due process of law at common law at the time the Constitution was adopted. Now, without having made any particular investigation into the subject, I venture to say that, so far from the insane having been entitled at that time to a

trial by jury before being subjected to duress of any kind, they were treated with the utmost barbarity and cruelty; that they were cast into dungeons and loaded down with chains and fetters; in a word, they were treated as wild beasts, and, if I am not much mistaken, were dealt with without any regard for due process of law or the guaranties of human liberty.

Now, when we look at the act of Congress already referred to, we find that the above-mentioned provision with reference to the admission of the feeble-minded into the hospital is in complete accord with the legislation of a very large majority of the States of this Union. It would be absurd to say that the people of those States are living in Egyptian darkness as to what is called a great buttress of personal liberty.

It is, indeed, a subject for regret that one of the last vestiges of cruelty to the insane, namely, this requirement of jury trial, should remain in this District. That the presence of these unfortunate people before a court and jury is an aggravation of their malady is well established.

There is a striking contrast between your efforts to have the word "insane" struck out of the official title of your hospital and the determined way in which every effort made to do away with this cruel requirement of jury trial in this District is stoutly resisted.

You have no bars or gratings over your hospital windows because their presence would suggest a prison, and so have an injurious effect upon the minds of the unfortunate patients. Why, then, should we not, without delay, remove from our statute book this requirement of a jury because of its suggestiveness of a criminal proceeding?

Allow me to say, in conclusion, that I had no intention of writing such a letter when I began, and I hope you will treat it with the indulgence which is usually extended to matters of this importance done on the spur of the moment and flowing freely from a mind which has thought much upon the subject referred to.

Very truly, yours,

WM. A. MAURY.

Dr. WM. A. WHITE,

Superintendent Government Hospital for the Insane,
Washington, D. C.

The following is a copy of a letter from H. M. Hoyt, Acting Attorney-General, to Dr. William A. White, superintendent Government Hospital for the Insane, which defines the responsibility of the superintendent for insane prisoners who have been sent to the hospital and whose sentences have expired while remaining there as patients. There are now about 100 insane prisoners in the hospital, but it is proper to state that a bill has been introduced and is now before the Committee on Public Buildings and Grounds for the erection of a hospital for insane criminals.

DEPARTMENT OF JUSTICE,

Washington, November 3, 1905.

SIR: Your letter of the 28th ultimo is received in reply to department letter of the 18th ultimo in relation to the mental condition of one George Robinson, a United States prisoner removed to your institution for treatment from the New Jersey State penitentiary at Trenton.

The reason the department wrote you in regard to the condition of Robinson was because of his letter of the 16th ultimo, asking to be discharged on the ground that his sentence had expired.

You say that, while Robinson's term has expired, he is still a very insane man, with many delusions and tendencies which make him dangerous. You also say there might be some question as to the legal right of the hospital to hold the patient, but that you have always felt, however, that you could not take the responsibility of discharging an insane person into the community, even where a prisoner's term has expired. You ask for an expression of my views in the matter.

In reply you are advised that the case referred to by you is similar to the cases of a number of United States prisoners who are confined in insane wards of state prisons whose terms have expired. The appropriation for support of prisoners provides for the care of those continuing insane after the expiration of sentence who have no friends to whom they can be sent.

Whenever you have any insane United States prisoners in your institution whose terms of imprisonment have expired, it is suggested that you take steps to turn them over to their relations or friends unless their mental condition is such you would not care to take the responsibility of such a course, in which case the prisoners should be detained in your institution.

Respectfully,

H. M. HOYT,
Acting Attorney-General.

Dr. WILLIAM A. WHITE,

Superintendent Government Hospital for the Insane,
Washington, D. C.

In 1907 the Society of Nervous and Mental Diseases appointed a committee to examine into all matters connected with the care of the insane in the District, and an extract from their report follows:

WASHINGTON, D. C., December 5, 1907.

Members of the Society of Nervous and Mental Diseases:

Your committee appointed at the last meeting to make a report at the next meeting on the care of the insane in the District of Columbia has held two meetings on the evenings of the 2d and 5th instants, respectively, and so far as time and opportunity permitted have acquainted themselves with the details regarding which the society desires report.

The insane, and those suspected of being insane, are cared for in three institutions. The Government Hospital for the Insane, where they are only received upon commitment papers signed by the District Commissioners in accordance with the statute. About 400 patients are admitted to the government hospital from the District each year.

Your committee is of the opinion that, in addition to the matters covered thus far in our report, your instructions were sufficiently broad to include recommendations touching the matter of lunacy legislation. Up to February 23, 1905, the date of the present act establishing a method of procedure in the matter of committing insane persons in the District of Columbia, commitment was had by marshal's jury. No commitment is needed upon this antiquated method, and it is now, fortunately, a matter of history.

While the act of February 23, 1905, is a great improvement upon this old method of procedure, it has only gone a short way toward curing the defects of lunacy legislation in the District. The principal defect in the present method of procedure is the necessity for commitment in open court by inquisition before a jury. This is a great hardship both to the patient and his relatives. It is humiliating and can not possibly do good, but on the contrary tends to harm by placing the unfortunate per-

son accused of insanity in the same category as one accused of crime. In fact, the whole method of procedure is the method of the criminal court. If one were to attend these hearings and see the method in operation he would constantly be impressed with the fact that both by method of procedure and terminology employed, the alleged insane person is placed on a par with the criminal. He is cited into court, accused of insanity upon an affidavit of lunacy, signed by two citizens, in which they state that—

"If the insane person be permitted to remain at liberty * * * the rights of persons and of property * * * will be jeopardized, the preservation of the public peace imperiled and the commission of crime rendered probable."

Nothing appears to indicate that the unfortunate insane person is committed to the institution for his own welfare to be treated for the disease with which he is afflicted, and, if possible, be restored to health and useful citizenship, the implication being that he is removed from the community because he is a dangerous element therein. The question of insanity is solely and absolutely a medical one to be solved by medical men, and there is no more sense in submitting such a question to a jury of laymen than there is in submitting the question of the existence of typhoid fever.

Your committee is of the opinion that the lunacy legislation of the District requires complete revision in such a way that relief may be extended to the insane because of their illness, rather than upon the basis of probable criminal acts, as under the present law. In the main, the law should provide that, upon satisfactory medical evidence, the court should be empowered to commit directly without public proceedings in open court. The safety of all parties concerned can be readily taken care of by providing, as the New York law does, for example, that a hearing before a jury can be had upon the motion of the alleged insane person, or a friend or relative on his behalf, or upon the court's own motion. Experience shows that only a small percentage of cases that pass in review take this method of procedure under such a law, and then only those that are probably harmed the least by the excitement incident to a public trial.

Your committee would call particular attention to the fact that the time has never been more propitious for the enactment of new lunacy legislation. Until very recently every effort made along the lines above suggested has been crushed by the position, largely, of the District officials, who claim that any such change as suggested is unconstitutional and cited legal decisions to support their views, particularly the decision some years ago in the District court "Bryant (3 Mackay, 489)," in which "due process of law" was defined as meaning "trial by jury." In a recent case, however, Justice Barnard handed down a decision, under date of February 16, 1907, in which he reviewed the whole situation, both as to the meaning of "due process of law" and the constitutionality of certain questions involved. His opinion supersedes entirely the Bryant decision and clarifies the entire situation. There is now nothing to prevent proceeding along the lines indicated, as this decision clearly shows why "due process of law" need not necessarily mean "trial by jury" and why a process other than trial by jury may be constitutional.

In closing this report we will briefly sum up the recommendations that it contains:

1. The revision of lunacy legislation.
2. Respectfully submitted.

WM. A. WHITE.
D. PERCY HICKLING.
D. K. SHUTE.

From the foregoing opinions as to the validity of commitment without a jury trial, from the examination of the laws of the several States of the Union, and from the opinions of experts and all others who have investigated the subject there would seem to be no doubt as to the humanity, safety, and propriety of doing away with the obligatory jury trial. The old treatment of the insane started with the idea that insanity was crime, and therefore juries were necessary; the new treatment says insanity is disease, and therefore doctors should determine its existence. Formerly we had asylums; now we have hospitals.

The following is the letter from the commissioners approving the proposed legislation:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 29, 1908.

DEAR SIR: The commissioners have the honor to recommend favorable action upon H. R. 12898, entitled "A bill to change the proceedings for admission to the Government Hospital for the Insane, and for other purposes," which you referred to them for their views thereon, if amended by inserting the words "equity court" in lieu of the words "a special term for orphans' court business," in line 9, page 1, and by inserting the words "Provided, That in the case of indigent patients the examination shall be made by the police surgeons, who shall receive no extra compensation on account of such service," after the word "Columbia," in line 14, page 3.

The bill, if enacted, will provide for more humane and enlightened proceedings for admission to the Government Hospital for the Insane. The main object of the bill is to do away with the jury system by providing for a hearing before a judge alone, unless in such cases as a hearing by a jury is requested. The commissioners are of the opinion that the ordeal of a jury trial results in a great hardship to the patient and often aggravates the severity of the mental disorder. The fact that a jury trial is required no doubt also frequently delays recourse to prompt treatment in incipient cases, and thereby lessens the chances of permanent recovery. For these reasons it would appear that a hearing before a judge alone and a requirement for the testimony of two reputable physicians would subserve the interests of the patient and friends.

Sections 2, 3, and 4 of the bill seem to guarantee ample protection against the danger of improper confinement. The enactment of this bill would increase the cost in lunacy proceedings by probably about \$7,500 per annum on account of the provision of a per diem compensation of \$10 to be paid to the examining physicians. The question of increased expense should not be given undue weight in considering a humane measure, but in the interests of economy the commissioners suggest that section 3 be amended to provide that the examination of indigent patients may be made by the police surgeons and by the physicians on duty at the psychopathic wards when such wards are established.

The commissioners are advised by the corporation counsel that the question of whether it is necessary to give a lunatic a trial by jury is not fully settled in this District. As it is extremely desirable that a trial by jury should be dispensed with in most instances, if possible, the commissioners are of opinion that it would be wise and appropriate to

have a law enacted providing for trial without jury and allow the matter of its validity to be judicially determined.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

HON. J. VAN VECHTEN OLCOTT,
House of Representatives.

Your committee did not approve of making it the duty of the police surgeons to examine the indigent insane. The present board of police surgeons could not perform this work in addition to their present duties, and so nothing would be saved in expense, as new surgeons would have to be appointed. Apart from this, the appointment should be made by the court to carry out in this particular also the thought that insanity is not crime.

Your committee appends the opinion by Mr. Justice Barnard on the general subject of commitment, and holding the constitutionality of such commitment even though no jury be had.

[Supreme court of the District of Columbia. In the matter of Emily Murdock, alleged lunatic.]

Mr. Justice Barnard delivered the opinion of the court:

In this case Emily Murdock, by Churchwell O. Chenaunt, files a petition averring that she is a citizen of the United States, and that her last place of legal residence was the city of Philadelphia, but that for the past five years she has been confined in the Government Hospital for the Insane, in this District.

That on January 14, 1902, she was temporarily sojourning in Washington City, when on petition of one John M. George, a stranger to her, and on the affidavits of Dr. William W. Wagner and Dr. John W. Shaw, physicians in this District, she was arrested and detained, without warrant of law, and on January 17, 1902, on testimony given in open court by said physicians, before one of the justices of this court, she was adjudged and declared to be a lunatic, and was ordered to be placed in the custody of the superintendent of said government hospital for the purpose of care and curative treatment, where she has been ever since, save on one or two occasions, when she was allowed out on parole, in the custody of her mother.

She states that such confinement and restraint of liberty are without due process of law, she being held only under the order of commitment given by the said justice; that she is now mentally capable of taking care of herself and her property, but that the superintendent refuses to discharge her, and that the proceedings in the said lunacy case, No. 780, in this court, which she makes part of her petition, were unlawful, and she therefore prays for a writ of habeas corpus, in order that she may be released and discharged from such unlawful detention and restraint.

The said superintendent has filed his return to the petition, in which he says that he detains the said Emily Murdock in compliance with and by authority of an order of this court dated January 17, 1902, a copy of which is attached to his answer.

He further says that she is incapable of caring for herself, and that the only person who comes forward to vouch for her is her mother, who is equally incapable of caring for her daughter and is herself an object of charity. That her conduct was such when she has been on parole that complaints have been made, and she has been taken back and is now detained in the said hospital.

A copy of said order is annexed to the answer, from which it appears that "it is adjudged that the said Emily Murdock is an insane person; and it appearing to the court that the said person should be committed, it is ordered that said Emily Murdock, until otherwise ordered by competent authority, be committed to the Government Hospital for the Insane in the District of Columbia for the purpose of care and curative treatment."

Counsel for the petitioner and respondent have taken certain testimony before the court as to the present mental condition of the said petitioner, the witnesses on behalf of the petitioner being herself, her mother, and two other lay witnesses, but no medical testimony has been offered in her behalf. The testimony on behalf of the respondent was that of a physician who has been acquainted with the said petitioner since her commitment to the asylum, and it was of such character, when taken in connection with the testimony and appearance of the petitioner herself, as to make the court hesitate to discharge her on the ground that she was now mentally sane and capable of taking care of herself and her property.

Thereupon counsel for the respective parties have argued the constitutional question as to the validity of her commitment without the verdict of a jury first being had finding her to be of unsound mind.

Counsel for the petitioner claim that the act of January 31, 1899 (30 Stat. L., 811), does not authorize the commitment of any person to the hospital for the insane, because it was in contravention of the provisions of the Constitution, and that a proceeding under it was not "due process of law."

Counsel for the respondent insist that the proceeding was under the said act of Congress, and that it was "due process of law," notwithstanding there was no provision in said law for a jury trial.

The said act is entitled "An act to change the proceedings for commitment to the Government Hospital for the Insane in certain cases, and for other purposes."

It provides that a petition shall be filed, signed, and sworn to by some responsible resident of the District; and that a copy shall be served on the alleged lunatic and another on the Commissioners of the District; and that thereafter the court shall appoint two or more physicians not connected with any hospital for the insane to examine the alleged lunatic and to testify as to his mental condition; and that the court shall require the presence of the alleged lunatic at the hearing, unless for good reason it shall direct otherwise by an order stating such reason; and that the order of the court on the hearing shall be made without an inquisition by jury, and all the proceedings shall be entered in the minutes of the court.

This act was in force when the petitioner was examined and committed, being specially excepted from repeal by section 1636 of the code.

Said act remained in force until the 3d of March, 1903, when Congress expressly repealed all of said act except section 7, which requires the commissioners to return nonresident insane to their homes when practicable, and provides that thereafter proceedings by the Commissioners of the District to commit indigent insane persons to the Government Hospital for the Insane shall be taken in conformity with the law in force in said District on January 30, 1899. (32 Stat. L., 1043.)

That proceedings was based on the inquisition of a jury presided over by the marshal of the District, which first returned a verdict that the alleged lunatic was of unsound mind.

Counsel for the respondent claim that the case *In re William M. Bryant, Third Mackey*, page 489, decided by this court in general term in 1885, is an authority that should be conclusive and binding upon the court now in disposing of the question presented in this case.

At the time of that decision the court determined that there was no provision purporting to be due process of law which would authorize the commitment of a person to the Government Hospital for the Insane other than the finding of a jury.

Mr. Justice James says in his opinion in said case:

"This whole matter is regulated by the Maryland statutes of 1785, chapter 72, section 6, which contemplates that the person whose affairs the chancellor is to have control of shall first be found to be insane by a jury of inquiry. There must be a regular adjudication of the question by due process of law, without which even the chancellor can not act, and due process of law in establishing the insanity of a person has long been declared to be by inquiry through a jury. It would be impossible, therefore, that we should recognize the unsworn statements of two physicians to be due process of law."

He further states: "This commitment has no resemblance to the cases of persons in the Army or Navy or Marine Corps, or, perhaps, even in the revenue service. There the parties are already under control. A soldier can be made to go into the hospital for medical treatment upon the judgment of his superior officers, and they can order him to this asylum if they think that he ought to go there, and in that case the officer's action would be due process of law. But in the case of a civilian, the order of an executive officer upon the mere unsworn certificate of physicians can not be called due process of law."

The opinion concludes: "We hold, therefore, first, that these sections of the Revised Statutes do not contemplate compulsory seclusion in this institution without due process of law. They only open its doors to those who have been properly found to be insane persons. If they meant anything else they would be unconstitutional. And, secondly, we hold that the whole matter of the care of insane persons is regulated by the act of Maryland of 1785, which includes this proceeding of an inquiry by jury."

The Constitution (Art. III, sec. 2) provides that "the trial of all crimes, except in cases of impeachment, shall be by jury."

The sixth amendment to the Constitution also provides that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury" etc.

The fifth amendment provides that "no person shall * * * be deprived of life, liberty, or property without due process of law."

These provisions have been construed by the Supreme Court as guaranteeing to a citizen of the District of Columbia the same right in a criminal case, to be tried by a jury, as to a citizen of any State or Territory, under the Constitution, notwithstanding section 8 of Article I, which empowers Congress to exercise exclusive legislation in all cases whatsoever, over this District. (*Callan v. Wilson*, 127 U. S., 540.)

But this does not answer the question presented for consideration in the case now before the court. The question to be considered is, Can there be due process of law as to the custody of unfortunate persons alleged to be of unsound mind, short of giving them a trial by jury? And if so, whether the said act of January 31, 1899, provides such proceeding as amounts to "due process of law," as defined by the courts.

An inquiry into the alleged lunacy of a person is not a criminal prosecution or the trial of a crime. In construing a similar provision in the state constitution of Iowa the supreme court of that State said:

"It is clear to us that this provision applies only to criminal prosecutions or accusations, for offenses against the criminal law, where it is sought to punish the offender by fine or imprisonment. The inquest of lunacy by a board of commissioners is in no sense a criminal proceeding. The restraint of an insane person is not designed as punishment for any act done. The insane are, by the law, taken into the care and custody of the State for treatment for their unfortunate infirmity." (*County of Black Hawk v. Springer*, 58 Iowa, 417; *In re Breese*, 82 Iowa, 578.)

In Louisiana a statute providing that an alleged lunatic should be brought before a judge of chambers, and that, after inquiry, if the judge thought he should be sent to the insane asylum, he should order his commitment, was held to be valid by the supreme court of that State, as providing a proceeding which amounted to due process of law.

The court says: "The lawgiver has thus wisely provided for the protection of both such person and society; for cases may and do arise in which a most summary disposition should be made of those unfortunate persons whose mental derangement may be such as to prove a just cause of alarm to individuals and to the public at large." (*In re William Ross*, 38 La. Ann., 523.)

The said court, citing the Dartmouth College case (4 Wheat., 519), also uses this language:

"By the words 'due process of law,' found in the organic law, is meant: That every citizen shall hold his life, liberty, property, and immunities under the protection of the general rules which govern society. By the law of the land is intended a general law; a law which hears before it condemns; which proceeds upon inquiry and renders judgment only after trial. The right to due process of law does not imply that, in every case, the parties interested shall have a hearing in court."

The only case cited by counsel for the petitioner is the said Bryant case, in Third Mackey.

That decision was rendered at a time when there was no statute law purporting to furnish any court proceeding for the compulsory commitment of insane persons to the asylum, except the statute of Maryland, of 1785, therein referred to.

That act placed the custody of the person and estate of any person who was an idiot, lunatic, or non compos mentis under the control of the court of chancery, and the chancellor was authorized to appoint a committee and to superintend, direct, and govern the concerns of such persons, both as to the care of his person and the management of his estate, by such orders and decrees as to him might seem just and proper.

At that time, also, the established course was for the chancellor to have a jury of inquiry before undertaking such management and care, whether the relief prayed for was as to the care of the person or as to the estate of the alleged lunatic. In that case the court recognized that the statutes relating to service in the Army or Navy or Marine Corps did provide a means by which persons in that service could be compulsorily confined in the said hospital, and says that the action of an

officer in so sending a soldier, sailor, or marine to the said hospital would be due process of law.

It appears from the said opinion, also, that the court was there called upon to pass judgment in a matter where there was no sworn statement or evidence of anyone, and no adversary proceedings of any kind in court, but only an ex parte proceeding out of court by two physicians, not under oath, which the court said could not be recognized to be due process of law. There was no judicial ascertainment of the fact of insanity.

The court finally concludes in that case that the sections of the Revised Statutes in question do not contemplate compulsory seclusion in the said asylum without due process of law, and that the whole matter was then regulated by the said act of Maryland of 1785, which included an inquiry by jury.

I am not able to see that this case disposes of the question now presented to me.

Since that decision Congress passed the act of January 31, 1899, which expressly requires that the judicial decision necessary to control the court in directing the custody of the alleged lunatic shall be made by the court without an inquisition by jury. It provides for notice to and the presence of the alleged lunatic, and makes the finding a matter to be placed on the minutes of the court as a public record, and it safeguards any person alleged to be of unsound mind by making the proceeding one in open court and to be decided on sworn testimony.

It is not certain that if this statute had been before the court in general term when it heard the Bryant case, that the court would not have reached the conclusion that what is here expressly provided for as a public hearing in court on legal testimony is "due process of law."

There are many cases which hold that it is not essential that there should be a jury trial before a citizen can be deprived of liberty or property.

For example, proceedings for contempt; proceedings for condemnation of property under the power of eminent domain; assessment and collection of taxes; proceedings having regard to public morals, health, and safety under the police power; and decrees of courts of equity, both as to custody of persons and disposition of property.

The cases above cited, which have construed similar provisions in state constitutions, are persuasive that an inquiry into the mental condition of any person alleged to be of unsound mind is not a criminal prosecution and does not require a jury under the third article of the Constitution or the sixth amendment.

I, therefore, am forced to the point, in this case, of determining the meaning of "due process of law," as applied to such inquiry, and as used in the fifth amendment to the Constitution.

There is perhaps no legal phrase known, which has been more variously defined, than this one phrase, "due process of law."

In 8 Cyc., 1080, this definition is given: "Due process of law in each particular case means such an exertion of the powers of the Government as the settled maxims of the law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs."

In the notes, and further in the text, various other definitions are given, some of which are:

"Ordinary judicial proceedings in court."

"A trial according to some settled course of proceeding."

"Lawful judicial proceeding in a court of competent jurisdiction."

"Some legal procedure in which the person proceeded against, if he is to be concluded thereby, shall have an opportunity to defend himself."

"The right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved."

"An orderly proceeding adapted to the nature of the case, in which the citizen has an opportunity to be heard, and to defend, enforce, and protect his rights."

"A requirement of action or abstinence, binding upon and affecting alike each and every member of the community of the same class, or of similar circumstances, enacted for the general public good or welfare."

The cases from which these and other similar definitions are taken embrace state and federal decisions in great numbers, and also Cooley's Constitutional Limitations, wherein that learned author discusses this question at some length.

In the case of *Nobles v. Georgia* (168 U. S., 398), Mr. Justice White delivered the opinion of the court, and quoted with approval the case of *Bonds v. Tennessee* (Martin & Yerger, 142).

In the case referred to, after citing authorities, the court said:

"From this it appears that inspection by the court is one of the legal modes of trying the fact of insanity, and nothing appears in the record of this case to show that the discretion of the court, in adopting the mode pursued, was erroneously exercised."

Mr. Justice White concluded his opinion as follows:

"It being demonstrated by reason and authority that at common law a suggestion made after verdict and sentence of insanity did not give rise to an absolute right on the part of a convict to have such issue tried before the court and to a jury, but addressed itself to the discretion of the judge, it follows that the manner in which such question should be determined was purely a matter of legislative regulation. It was, therefore, a subject within the control of the State of Georgia. Because we have confined our opinion exclusively to the question before us—that is, the right arising on a suggestion of insanity after sentence—we must not be understood as implying that a different rule would prevail after verdict and up to and including sentence, or as passing upon the question whether, under the fourteenth amendment, a State is without power to relegate the decision of a question of insanity, when raised before conviction to such apt and special tribunal as the law might deem best."

The language of the fourteenth amendment is as follows:

"Nor shall any State deprive any person of life, liberty, or property without due process of law."

The language is, in effect, identical with that used in the fifth amendment, so far as it safeguards the rights of persons and property; and "due process of law," as it seems to me, would have to be construed to mean the same under either provision.

In the case of *Simon v. Craft* (182 U. S., 436) Mr. Justice White uses this language in defining what is "due process of law":

"The essential elements of due process of law are notice and opportunity to defend. In determining whether such rights were denied we are governed by the substance of things and not by mere form."

In the case of *Holden v. Hardy* (169 U. S., 366) Mr. Justice Brown, delivering the opinion of the court, discusses at length the "due process

of law" clause under the fourteenth amendment to the Constitution. He uses this language, on page 389:

"This court has never attempted to define with precision the words 'due process of law.' Nor is it necessary to do so in this case. It is sufficient to say that there are certain immutable principles of justice which inhere in the very idea of free government, which no member of the Union may disregard, as that no man shall be condemned in his person or property without due notice and an opportunity of being heard in his defense."

Mr. Justice Matthews, in the case of *Hurtado v. California* (110 U. S. 516), discusses the words "due process of law," as used in the fifth and fourteenth amendments; and upholds the constitution of California, which authorizes the prosecution of felonies by information, instead of by indictment by grand jury. On page 585, he says:

"Due process of law in the latter (the fifth amendment) refers to that law of the land which derives its authority from the legislative powers conferred upon Congress by the Constitution of the United States, exercised within the limits therein prescribed and interpreted according to the principles of the common law. In the fourteenth amendment, by parity of reason, it refers to that law of the land in each State which derives its authority from the inherent and reserved powers of the State, exerted within the limits of those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions and the greatest security for which resides in the right of the people to make their own laws and alter them at their pleasure."

The act of January 31, 1899, seems to me to be a proper exercise of legislative authority and to provide an orderly, reasonable, and safe method for fairly determining the mental condition of all unfortunate persons alleged to be of unsound mind, so far at least as to authorize their compulsory commitment to an institution such as the Government Hospital for the Insane for care and curative treatment.

The object of the law is for the protection and benefit of the unfortunate individual whose mind is affected and at the same time is in the interest of humanity and for the common welfare of the community.

After the repeal of this statute, the old method of having a jury of inquiry and testimony to be taken before such jury in the presence of the marshal, but not in open court, continued in force as the mode of procedure until the 23d day of February, 1905, when the present law was enacted requiring the inquiry to be made before the court and jury in open court (33 Stat. L., 740), so that we have had, within a comparatively short time, three different methods of procedure to accomplish the same purpose, all of them evidently enacted by Congress equally in the interest of the community and of the individual.

My experience and observation under the three different statutes as a judge leads me to the conclusion that the said act of January 31, 1899, is perhaps the best of the three for the individual who is suffering from mental disease, as there is less disturbance to the patient when he is brought into open court before a single judge than there is when he is brought before a marshal's jury of 13, or before a judge and 12 jurors, and is subject to all the excitement of an inquiry and argument before the jury.

Under either of the three laws mentioned, I think the interests of the individual will be protected, for the reason that he has notice of the proceeding and he and his friends and relatives have the right to be present, to bring witnesses, and to have counsel; an opportunity to defend, cross-examine, and to speak in his own behalf, where that is practicable, and in each case the proceeding is fair, orderly in its character, publicly conducted, and the result becomes a permanent public record and is such, in my opinion, as to make it conform to the requirement of the Constitution as "due process of law."

On the whole case, I am forced to the conclusion that the prayer of the petition must be denied and the petition dismissed; and the petitioner will therefore be remanded to the custody of the hospital until discharged by the superintendent as cured or by some other competent authority under the law.

Mr. OLCOTT. The bill gives the right of a jury trial to the alleged lunatic, upon his or her demand, or upon the demand of a relative or friend or other person designated by the court, and it further provides that within ten days after the commitment the same parties, or either of them, may appeal to a justice other than the justice before whom the matter was brought, which latter justice shall cause a jury to be summoned and shall try the question of such insanity.

I wish to correct another erroneous statement made by the gentleman from Florida. The gentleman states that this bill should have been reported to the Committee on the Judiciary rather than the Committee on the District of Columbia, for the reason that the Government Hospital for the Insane was originally used for only one class of patients—the insane of the army and the navy.

As a matter of fact, and for a number of years, the hospital has been receiving yearly between 600 and 700 patients, 400 of whom come from the District of Columbia. This seems to be a very good reason why the bill should have been considered by the Committee on the District of Columbia.

I might add that, in addition to the approval of this bill by the Commissioners of the District of Columbia, Judge William A. Maury, of the board of visitors, and the Society of Mental and Nervous Diseases, as set forth in the report of the Committee on the District of Columbia, it received also the approval of the corporation counsel of the District of Columbia, Mr. Justice Barnard, the Washington Board of Trade, and the Chamber of Commerce of the District of Columbia.

One word more: I have had a careful investigation made into the statutes of the various States of the Union in regard to the method of commitment of patients to hospitals for the insane, and I have incorporated in the report of the Committee on the District of Columbia an abstract of such statutes. Reference is

made to the insanity laws of 43 States and 2 Territories, showing the method of commitment of patients, and of these only 8 States have laws requiring obligatory jury trials.

It will be interesting to read the extract from the report of the superintendent of the Government Hospital for the Insane for 1905, found in the report accompanying the bill, under the heading of "Lunacy legislation," where good reasons are set forth why the bill should be passed.

As I said before, a jury trial in every case is harsh, unjust, and wicked, and has a tendency to treat the alleged lunatic as a criminal rather than as a person suffering with a mental disease. The bill is fair and simple, and can do no possible harm.

I sincerely hope that on Monday next, when the bill comes up for consideration, it will be passed.

In conclusion and for the special information of the gentleman from Florida, who states that the bill to change the method of commitment of patients in the District of Columbia is the most outrageous measure that he has ever met with, and which strikes at the very foundation of the Government itself, I desire to state that the insanity laws of the State of Florida prescribe for the commitment of insane persons upon the order of a circuit judge or a county judge.

The SPEAKER. The Chair lays before the House the following request from the Senate.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House to return to the Senate the bill (S. 7872) to promote the administration of justice in the navy.

The SPEAKER. Without objection, the request is agreed to.

There was no objection.

Mr. FITZGERALD. Mr. Speaker, is that a request to return a bill to the Senate?

The SPEAKER. Yes.

Mr. FITZGERALD. That is the bill we have just sent to conference.

The SPEAKER. The Chair thinks not.

Mr. FITZGERALD. It sounded a good deal like it.

The SPEAKER. It is a Senate bill on the same subject on which the House just acted.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President (S. Doc. No. 697), which was read, referred to the Committee on the District of Columbia, and ordered to be printed.

The message is as follows:

To the Senate and House of Representatives:

I transmit herewith a letter from the Commissioner of Labor and Special Agent Victor S. Clark, of the Bureau of Labor, relating to an investigation conducted by them into the office of the building inspector of the District of Columbia, and I recommend that the Congress authorize the appointment of a commission of three members, with powers to administer oaths, to make a thorough investigation of the building-inspection department of the District of Columbia, and that an appropriation of \$3,500 be made to defray the expenses of this commission.

I append hereto an extract from a recent verdict of a coroner's jury and certain letters which explain the reason of the investigation conducted by the Bureau of Labor.

I agree fully with the position taken in the report from the Bureau of Labor that the building-inspection department should not be left under suspicion as the result of unproven charges. In the interest of the building inspector, no less than of the public, there should be a thoroughgoing investigation of the conduct of his office. If that important department of the District government is inefficient or improperly conducted, its personnel should be reorganized. If, on the other hand, the criticism of it is unfounded, this should be demonstrated to the public's satisfaction and the building inspector vindicated and sustained.

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 5, 1909.

SPECIAL MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following special message from the President, which was read, as follows:

To the House of Representatives:

I herewith return, without approval, H. R. 16954, entitled "An act to provide for the Thirteenth and subsequent decennial censuses." I do this with extreme reluctance, because I fully realize the importance of supplying the Director of the Census at as early a date as possible with the force necessary to the carrying on of his work. But it is of high consequence to the country that the statistical work of the census shall be conducted with entire accuracy. This is as important from the standpoint of business and industry as from the scientific standpoint. It is, therefore, in my judgment, essential that the result should not be open to the suspicion of bias on political and personal grounds; that it should not be open to the reasonable suspicion of being a waste of the people's money and a fraud.

Section 7 of the act provides in effect that appointments to the census shall be under the spoils system, for this is the real meaning of the provision that they shall be subject only to noncompetitive examination. The proviso is added that they shall be selected without regard to political party affiliations. But there is only one way to guarantee that they shall be selected without regard to politics and on merit, and that is by choosing them after competitive examination from the lists of eligibles provided by the Civil Service Commission. The present Director of the Census in his last report states the exact fact about these noncompetitive examinations when he says:

"A noncompetitive examination means that every one of the many thousands who will pass the examinations will have an equal right to appointment, and that personal and political pressure must in the end, as always before, become the determining factor with regard to the great body of these temporary employments. I can not too earnestly urge that the Director of the Census be relieved from this unfortunate situation."

To provide that the clerks and other employees shall be appointed after noncompetitive examination, and yet to provide that they shall be selected without regard to political party affiliations, means merely that the appointments shall be treated as the perquisites of the politicians of both parties, instead of as the perquisites of the politicians of one party. I do not believe in the doctrine that to the victor belong the spoils; but I think even less of the doctrine that the spoils shall be divided without a fight by the professional politicians on both sides; and this would be the result of permitting the bill in its present shape to become a law. Both of the last censuses, the Eleventh and the Twelfth, were taken under a provision of law excluding competition; that is, necessitating the appointments being made under the spoils system. Every man competent to speak with authority because of his knowledge of and familiarity with the work of those censuses has stated that the result was to produce extravagance and demoralization. Mr. Robert P. Porter, who took the census of 1890, states that—

"The efficiency of the decennial census would be greatly improved and its cost materially lessened if it were provided that the employees should be selected in accordance with the terms of the civil-service law."

Mr. Frederick H. Wines, the Assistant Director of the Census of 1900, states as follows:

"A mathematical scale was worked out by which the number of 'assignments' to each Senator and Representative was determined in advance, so many appointments to a Senator, a smaller number to a Representative, half as many to a Democrat as a Republican, and in Democratic States and congressional districts the assignments were made to the Republican state and district committees. The assignees named in the first instance the persons to be examined. They were afterwards furnished each with a list of those named who had 'passed' and requested to name those who they desired to have appointed. Vacancies were filled in the same manner. This system was thoroughly satisfactory to the majority of the politicians interested, though there were a few who refused to have anything to do with it. The effect upon the bureau was, as may readily be imagined, thoroughly demoralizing."

Mr. Carroll D. Wright, who had charge of the Census Bureau after the census of 1890, estimates that \$2,000,000, and more than a year's time, would have been saved if the census force had been brought into the classified service, and adds:

"I do not hesitate to say one-third of the amount expended under my own administration was absolutely wasted, and wasted principally on account of the fact that the office was not under civil service rules. * * * In October, 1893, when I took charge of the Census Office, there was an office force of 1,092. There had been a constant reduction for many months and this was kept up without cessation till the close of the census. There was never a month after October, 1893, that the clerical force reached the number then in office; nevertheless, while these general reductions were being made and in the absence of any necessity for the increase of the force, 389 new appointments were made."

This of course meant the destruction of economy and efficiency for purely political considerations.

In view of the temporary character of the work, it would be well to waive the requirements of the civil service law as regards geographical apportionment, but the appointees should be chosen by competitive examination from the lists provided by the Civil Service Commission. The noncompetitive examination in a case like this is not only vicious, but is in effect a fraud upon the public. No essential change is effected by providing that it be conducted by the Civil Service Commission;

and to provide that the employees shall be selected without regard to political party affiliations is empty and misleading, unless, at the same time, it is made effective in the only way in which it is possible to make it effective, that is by providing that the examination shall be made competitive.

I also recommend that if provision is made that the census printing work may be done outside the Government Printing Office, it shall be explicitly provided that the Government authorities shall see that the eight-hour law is applied in effective fashion to these outside offices.

Outside of these matters, I believe that the bill is, on the whole, satisfactory and represents an improvement upon previous legislation on the subject. But it is of vital consequence that we should not once again permit the usefulness of this great decennial undertaking on behalf of the whole people to be marred by permitting it to be turned into an engine to further the self-interest of that small section of the people which makes a profession of politics. The evil effects of the spoils system and of the custom of treating appointments to the public service as personal perquisites of professional politicians are peculiarly evident in the case of a great public work like the taking of the census, a work which should emphatically be done for the whole people and with an eye single to their interest.

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 5, 1909.

REPRINT OF CENSUS BILL.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for a reprint of the census bill as it passed the two Houses of Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. CRUMPACKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 37 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a special and detailed report from the Internal Revenue Bureau on denatured alcohol at home and abroad (H. Doc. No. 1419)—to the Committee on Ways and Means and ordered to be printed.

A letter from the Secretary of State, transmitting certificates of the electoral votes cast in the various States—to the Committee on Election of President, Vice-President, etc.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. NYE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16747) to amend an act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street," reported the same without amendment, accompanied by a report (No. 2056), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 25149) to authorize certain changes in the permanent system of highways, District of Columbia, reported the same with amendment, accompanied by a report (No. 2059), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 27667) to amend an act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, approved March 2, 1891, reported the same without amendment, accompanied by a report (No. 2061), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MALBY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 27061) to provide for the appointment of an additional district judge in and for the western district of Washington, reported the same with amendments, accompanied by a report (No. 2062), which said bill and

report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 8048) to withdraw from settlement and entry certain lands in the State of California, reported the same without amendment, accompanied by a report (No. 2066), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 5429) to facilitate the use for manufacturing purposes of square No. 328, in the city of Washington, as authorized in the act of Congress of February 1, 1907, reported the same without amendment, accompanied by a report (No. 2069), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 8520) requiring reports of the Hospital for Foundlings to be made to the Commissioners of the District of Columbia, reported the same without amendment, accompanied by a report (No. 2053), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8187) to change the name of the Washington Hospital for Foundlings, reported the same without amendment, accompanied by a report (No. 2054), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6055) to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia, reported the same with amendment, accompanied by a report (No. 2065), which said bill and report were referred to the House Calendar.

Mr. CALDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 27243) to amend section 3 of the act of August 18, 1894, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," reported the same with amendments, accompanied by a report (No. 2067), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the Senate (S. 4033) to satisfy certain claims against the Government arising under the Navy Department, reported the same with amendments, accompanied by a report (No. 2048), which said bill and report were referred to the Private Calendar.

Mr. SHACKLEFORD, from the Committee on Claims, to which was referred the bill of the Senate (S. 5349) for the relief of Madison County, Ky., reported the same without amendment, accompanied by a report (No. 2049), which said bill and report were referred to the Private Calendar.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the Senate (S. 3452) for the relief of Joseph Schrembs, reported the same without amendment, accompanied by a report (No. 2050), which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, which was referred the bill of the Senate (S. 5905) for the relief of the executors of the estate of Harold Brown, deceased, reported the same without amendment, accompanied by a report (No. 2051), which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 7859) for the relief of Parsey O. Burrough, reported the same without amendment, accompanied by a report (No. 2052), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 14317) for the relief of S. I. Stone and others, reported the same without amendment, accompanied by a report (No. 2055), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 18161) for the relief of

Willard W. Alt, of Hyannis, Nebr., reported the same without amendment, accompanied by a report (No. 2057), which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 18162) for the relief of Willard W. Alt, of Hyannis, Nebr., reported the same without amendment, accompanied by a report (No. 2058), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 25512) to pay certain claims of citizens of foreign countries against the United States, and to satisfy certain conventional obligations of the United States, reported the same with amendment, accompanied by a report (No. 2060), which said bill and report were referred to the Private Calendar.

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3569) to remove the charge of desertion against the name of Thomas J. Schrimpsheer, reported the same without amendment, accompanied by a report (No. 2063), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 18760) for the relief of David Housel, reported the same adversely, accompanied by a report (No. 2064), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GOULDEN: A bill (H. R. 27819) authorizing commitment to rescue homes in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CARY: A bill (H. R. 27820) for the erection of a public building at Milwaukee, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. LAMB: A bill (H. R. 27821) providing for inspection by official experts of all nursery stock, etc.—to the Committee on Agriculture.

By Mr. FERRIS: A bill (H. R. 27822) removing restrictions from the land lying along the section lines of the lands of the Five Civilized Tribes in Oklahoma—to the Committee on Indian Affairs.

By Mr. McGUIRE: A bill (H. R. 27823) authorizing the Secretary of War to furnish one condemned brass or bronze Napoleon gun, carriage, and cannon balls to the city of Enid, Garfield County, Okla.—to the Committee on Military Affairs.

By Mr. RODENBERG: A bill (H. R. 27824) providing for participation in the Universal and International Exhibition to be held at Brussels in 1910—to the Committee on Industrial Arts and Expositions.

By Mr. STURGISS: A bill (H. R. 27825) to provide for the creation of a national highways commission and for the construction, improvement, and maintenance of public highways in cooperation with the several States—to the Committee on Agriculture.

By Mr. LEVER: A bill (H. R. 27826) authorizing the Secretary of War to furnish four condemned brass or bronze Napoleon guns, carriages, and cannon balls to the State of South Carolina—to the Committee on Military Affairs.

By Mr. HAYES: A bill (H. R. 27882) to amend an act entitled "An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912," approved May 22, 1908—to the Committee on Industrial Arts and Expositions.

By Mr. SHERMAN (by request): Resolution (H. Res. 538) amending Rule XXXVI of the House of Representatives of the Sixtieth Congress—to the Committee on Rules.

By Mr. GRAFF: Resolution (H. Res. 539) requesting the President to direct the Interstate Commerce Commission to report to the House certain information—to the Committee on Interstate and Foreign Commerce.

By Mr. HEFLIN: Joint resolution (H. J. Res. 252) authorizing the Director of the Census to collect and publish statistics from the manufacturers of cotton in the United States—to the Committee on the Census.

By Mr. STEPHENS of Texas: Joint resolution (H. J. Res. 253) authorizing the President of the United States, in con-

junction with the State of Texas, to determine and establish the boundary lines between the Indian Territory, the Territory of New Mexico, and the State of Texas—to the Committee on the Judiciary.

By Mr. COOK of Colorado: Memorial of the legislature of Colorado, urging Congress to establish an honor roll of officers of the civil war—to the Committee on Military Affairs.

By Mr. FERRIS: Memorial of the legislature of Oklahoma, memorializing the Congress of the United States for the enactment of a national law protecting migratory game birds from extinction—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the legislature of Oklahoma, memorializing Congress to extend the reclamation fund and service to include drainage—to the Committee on Irrigation of Arid Lands.

Also, memorial of the legislature of Oklahoma, memorializing Congress to add to Platt National Park at Sulphur Springs, Oklahoma, the three portions of the Sulphur town site lying south of said park—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 27827) for the relief of Mary Bethoon Hanserd—to the Committee on War Claims.

Also, a bill (H. R. 27828) granting a pension to Sarah Hodge—to the Committee on Pensions.

By Mr. BRODHEAD: A bill (H. R. 27829) granting an increase of pension to Francis Reilly—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 27830) granting a pension to Mary Jane Davis—to the Committee on Pensions.

Also, a bill (H. R. 27831) granting an increase of pension to Sanford R. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27832) granting an increase of pension to Joseph S. Patten—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27833) granting an increase of pension to William Lee—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 27834) granting an increase of pension to Edward Griffiths—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 27835) granting an increase of pension to Norben Arterburn—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 27836) granting a pension to Edward Plunkett—to the Committee on Pensions.

Also, a bill (H. R. 27837) granting a pension to Jedidiah Wilbur—to the Committee on Pensions.

By Mr. DAWSON: A bill (H. R. 27838) granting an increase of pension to Edward S. Allen—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Kentucky: A bill (H. R. 27839) granting an increase of pension to Dellen Blevins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27840) granting an increase of pension to Jacob S. Bruton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27841) granting an increase of pension to Granville Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27842) granting an increase of pension to William Bishop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27843) granting an increase of pension to John L. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27844) granting a pension to Dudley R. Sloan—to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 27845) granting a pension to Catharine Carson—to the Committee on Pensions.

Also, a bill (H. R. 27846) granting an increase of pension to Edward A. Dwyer—to the Committee on Pensions.

By Mr. GRONNA: A bill (H. R. 27847) granting an increase of pension to Herbert Drake—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 27848) granting an increase of pension to Benjamin M. Donaca—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 27849) granting a pension to William Edward Prater—to the Committee on Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 27850) granting a pension to Lydia Hunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27851) granting an increase of pension to Cornelius Britton, jr.—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 27852) granting a pension to Jonah B. Eaton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27853) granting an increase of pension to Abraham R. Parish—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 27854) for the relief of B. B. Wood and others—to the Committee on Claims.

By Mr. KIPP: A bill (H. R. 27855) granting an increase of pension to Alexander Keeney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27856) granting an increase of pension to Henry C. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27857) granting an increase of pension to David M. Brainerd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27858) granting a pension to Lena Griswold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27859) granting an increase of pension to Charles Walter—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 27860) granting an increase of pension to John M. Willoughby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27861) granting an increase of pension to Eli R. Dials—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27862) granting an increase of pension to William J. Elliott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27863) granting an increase of pension to William W. Ferguson—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 27864) granting a strip of land along the eastern boundary of the Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes—to the Committee on Military Affairs.

By Mr. McGUIRE: A bill (H. R. 27865) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage tribe of Indians against the United States—to the Committee on Indian Affairs.

By Mr. McHENRY: A bill (H. R. 27866) granting an increase of pension to John B. Otto—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 27867) granting a pension to Warren W. Braman—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 27868) for the relief of W. H. Francis—to the Committee on War Claims.

By Mr. SABATH: A bill (H. R. 27869) granting a pension to John Harrington—to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 27870) granting an increase of pension to Felix L. Huff—to the Committee on Pensions.

By Mr. STEENERSON: A bill (H. R. 27871) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889—to the Committee on Indian Affairs.

By Mr. STERLING: A bill (H. R. 27872) granting an increase of pension to Thomas E. Morgan—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 27873) granting an increase of pension to Cornelius Chamberlain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27874) granting an increase of pension to Benjamin H. Perkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27875) granting an increase of pension to George W. Rowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27876) granting a pension to Hannah Edgerly—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 27877) granting an increase of pension to William W. Lichty—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 27878) granting an increase of pension to Enoch Conner—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 27879) for the relief of J. W. Cain, Morde Fuller, Charles Van Buren, and H. C. Perry—to the Committee on Claims.

By Mr. GLASS: A bill (H. R. 27880) to correct the military record of William H. Patterson—to the Committee on Military Affairs.

By Mr. HAMMOND: A bill (H. R. 27881) granting a pension to Alma C. Maxey—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of executive council of Arizona, favoring legislation to transfer the fee of certain land to the city of Yuma—to the Committee on the Public Lands.

By Mr. ANTHONY: Petition of citizens of Effingham, Kans., requesting the enactment of the Littlefield-Bacon bill, relative to shipment of intoxicants into prohibition States—to the Committee on the Judiciary.

Also, petition of Manhattan (Kans.) Grange, in favor of a national highways commission and federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of the Deis, Fertig Company, of Canal Dover, Ohio, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of the Wolfe Brush Company, Lee C. Moore & Co., the National Lead and Oil Company, the Standard Manufacturing Company, the Pittsburg Dry Goods Company, the Doubleday-Hill Electric Company, the James C. Lindsay Hardware Company, the A. J. Logan Company, the Alling & Cory Company, Allen Kirkpatrick & Co., the Johnson-Earl-Meyers Company, the E. I. du Pont de Nemours Powder Company, and the First National Bank, of Pittsburg, Pa., for the passage of the Sherley bill (H. R. 21929), amending the national bankruptcy act—to the Committee on the Judiciary.

By Mr. BOOHER: Petition of citizens of St. Joseph, Mo., against the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. BRADLEY: Petition of Warwick Grange, No. 948, Patrons of Husbandry, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. BURKE: Petition of John F. Becker, favoring the omnibus claims bill (H. R. 15372, previously referred to the Committee on the Post-Office and Post-Roads)—to the Committee on Claims.

By Mr. CARY: Petition of Grain Dealers' National Association, against S. 382, relative to federal inspection and grading of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of the American Lumberman and the Hard Wood Manufacturers' Association, against removal of tariff on lumber—to the Committee on Ways and Means.

By Mr. COOK of Colorado: Petition of National Board of Trade, favoring transportation of supplies for the Panama Canal solely in American ships—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Board of Trade, favoring increase of salaries of United States judges—to the Committee on the Judiciary.

Also, petition of National Board of Trade, favoring legislation to establish an American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. DAWSON: Petition of C. J. Schunter and others, of Grand Mound, Iowa, against a duty on coffee—to the Committee on Ways and Means.

By Mr. EDWARDS of Kentucky: Papers to accompany bills for relief of Granville Riley, Samuel Parker, Minon McKiddy, Dellen Blevens, William Bishop, and Dudley R. Sloan—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of Indianapolis Freight Bureau, favoring H. R. 22901, 22902, and 22903, relative to interstate rate requirements—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chamber of Commerce of Milwaukee, against federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Petition of Garrison No. 31, Regular Army and Navy Union, of Chicago, favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

By Mr. FOULKROD: Petition of National Board of Trade, favoring 1-cent postage for local delivery—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Board of Trade, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Hart, Schaffner & Marx, of Chicago; Guthmann, Carpenter & Tilling; and B. Kuppenheimer & Co., of Chicago, for the passage of the Sherley bill (H. R. 21929), amending the national bankruptcy act—to the Committee on the Judiciary.

Also, petition of the Fort Massac commission, favoring the Sterling bill, for "retaining wall" at Fort Massac—to the Committee on Rivers and Harbors.

Also, petition of A. S. of E. Department of Grain Growers of Chicago, Ill., against removal or reduction of duty on wheat, barley, and other grains—to the Committee on Ways and Means.

By Mr. FULTON: Paper to accompany bill for relief of F. Edwin Willis (H. R. 15160)—to the Committee on War Claims.

Also, petition of citizens of Cimarron County, Okla., favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. GLASS: Paper to accompany bill for relief of William H. Patterson (H. R. 17960)—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of John F. Beckert, favoring the omnibus claims bill (H. R. 15372) (previously referred to the Committee on the Post-Office and Post-Roads)—to the Committee on Claims.

By Mr. GRANGER: Petition of directory of Boston Architectural Club, against any change in the commission's plan for improvement of Washington—to the Committee on the Library.

By Mr. GRONNA: Petition of citizens of New Rockford, N. Dak., for retention of present duties on grain—to the Committee on Ways and Means.

By Mr. HAMLIN: Petition of citizens of Bolivar, Republic, Springfield, Humansville, Ash Grove, Bois D'Arc, and Walnut Grove, all in the State of Missouri, for legislation to establish a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HIGGINS: Petition of members of A. G. Warner Post, No. 54, Department of Connecticut, Grand Army of the Republic, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. HOUSTON: Papers to accompany bills for relief of G. W. Charlton and William Parks—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Matthew W. Finch (H. R. 25701)—to the Committee on Invalid Pensions.

Also, petition of New Jersey State Horticultural Society, favoring H. R. 21318, relative to adulterated or misbranded fungicides and insecticides—to the Committee on Interstate and Foreign Commerce.

Also, petition of Liberty Grange, Patrons of Husbandry, of Bradevelt, N. J., favoring national highways commission—to the Committee on Agriculture.

By Mr. HOWLAND: Petition of citizens of Sharon Center, Ohio, praying for legislation creating a national highways commission—to the Committee on Agriculture.

By Mr. KENNEDY of Iowa: Papers to accompany bills for relief of Jonah B. Eaton and Abram R. Parish—to the Committee on Invalid Pensions.

By Mr. KIPP: Petition of citizens of Bradford County, Pa., favoring a national highways commission—to the Committee on Agriculture.

By Mr. LAMB: Paper to accompany a bill relative to protection of plants against importation of injurious insects—to the Committee on Interstate and Foreign Commerce.

By Mr. LASSITER: Petition of H. P. Harrison, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. LIVINGSTON: Paper to accompany bill for relief of William A. Calahan—to the Committee on War Claims.

By Mr. LONGWORTH: Petition of residents of Cincinnati, Ohio, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Petition of business men of Tawas City, Mich., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of residents of Gloucester County, N. Y., favoring amendment to the Constitution enabling women to vote—to the Committee on the Judiciary.

By Mr. McHENRY: Petition of citizens of Pennsylvania, for legislation to establish a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MARTIN: Petition of the Crooks Lumber Company, of South Dakota, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. O'CONNELL: Petition of Citizens' Trade Association, of Cambridge, Mass., favoring government forest reservation of White Mountains and Appalachian Mountains—to the Committee on Agriculture.

By Mr. OVERSTREET: Petition of Rothe, Wells & Bauer, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. PADGETT: Paper to accompany bill for relief of W. H. Francis—to the Committee on War Claims.

By Mr. PATTERSON: Paper to accompany bill for relief of Alden R. Holden—to the Committee on Claims.

By Mr. SHERMAN: Petition of St. Lawrence Wholesale Grocery Company, of Ogdensburg, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. SPIGHT: Paper to accompany bill for relief of Louisa S. Flournoy—to the Committee on Pensions.

By Mr. STEPHENS of Texas: Paper to accompany bill for relief of James M. Hensley—to the Committee on Military Affairs.

By Mr. STURGISS: Petition of National Commercial Company, of Martinsburg, W. Va., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of William Lichty—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: Petition of P. F. Heidelbaugh, F. C. Judkins, A. M. Patrick, S. L. Sherrick, T. W. Ditto, and 500 other farmers in a meeting held at Delphos, Ohio, favoring the election of United States Senators by popular vote—to the Committee on the Judiciary.

SENATE.

SATURDAY, February 6, 1909.

The Chaplain, Rev. Edward E. Hale, offered the following prayer:

Let us praise famous men and our fathers who begot us. The Lord hath wrought great glory by them through His great power from the beginning. Leaders of the people by their counsel and by their knowledge of learning meet for the people, wise and eloquent in their instructions. All these were honored in their generations and were the glory of their times. There be of them that have left a name behind them, that their praises might be reported. And some there will be who have no memorial, who are perished as they had never been. But these were merciful men, whose righteousness hath not been forgotten. The people will tell of their wisdom and the congregation will show forth their praise.

Let us pray.

Father, we praise Thee, we thank Thee, every day of our lives we thank Thee, for the fathers who were before us, for the men who made this country, for that country whose God is the Lord, for the men who made this Senate and the House of Representatives, who ordained this Government of the people, for the people, by the people.

We thank the living God; and we ask Thee, Father, to be with us, the children and the children's children of these men, to lead us where we need leading, to teach us always, to enliven us with the Holy Spirit, with Thy divine light.

We remember before Thee those men who in this Senate have led it forward in dignity and honor before this people. Bless them. Bless us. Be with this people, Father, as a father with his children. We ask it in Christ Jesus.

Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth as it is done in heaven. Give us this day our daily bread; and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil, for Thine is the kingdom, and the power, and the glory, forever. Amen.

The Vice-President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

REPORT OF PRINTING INVESTIGATION COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following communication, which was read and, with the accompanying paper, referred to the Committee on Appropriations and ordered to be printed (S. Rept. No. 932):

PRINTING INVESTIGATION COMMISSION,
Washington, February 5, 1909.

SIR: I have the honor to transmit herewith, by direction of the Printing Investigation Commission, a report embodying certain recommendations in relation to future appropriations for the public printing and binding, and the maintenance of the Government Printing Office and the office of the Superintendent of Documents.

Very respectfully,

T. C. PLATT,
Chairman Printing Investigation Commission.

The PRESIDENT OF THE SENATE, Washington, D. C.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 60. An act for the relief of the Chicago, Peoria and St. Louis Railway Company of Illinois;

S. 212. An act to reimburse S. R. Green, postmaster of Oregon City, Oreg., for moneys lost by burglary;

S. 568. An act for the relief of Capt. George Van Orden, U. S. Marine Corps;

S. 655. An act for the relief of Richard A. Proctor;

S. 685. An act to provide for the payment of John M. McDowell for services rendered in preparing a new set of indices of all records of Council City recording district of the second judicial district of Alaska;

S. 1204. An act for the relief of J. M. Bloom;

S. 2911. An act for the relief of the Columbus Gas and Fuel Company;

S. 2969. An act for the relief of O. Maury & Co., of Bordeaux, France;

S. 3723. An act for the relief of the Farmers and Merchants' Bank of Mandan, N. Dak.;

S. 3748. An act for the relief of the Logan Natural Gas and Fuel Company, of Columbus, Ohio;

S. 3808. An act to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898;

S. 4312. An act for the relief of William E. Moses;

S. 4313. An act for the relief of John V. Vickers;

S. 4427. An act for the relief of the Hastings Steamboat Company;

S. 5330. An act for the relief of the Mille Lac band of Chippewa Indians, in the State of Minnesota, and for other purposes;

S. 5989. An act authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by the Government of France;

S. 6312. An act for the relief of the Philadelphia Company, of Pittsburgh, Pa.;

S. 6891. An act for the relief of Maj. G. S. Bingham;

S. 7325. An act for the relief of Cadmus E. Crabill;

S. 7390. An act for the relief of Christina Rockwell; and

S. R. 122. Joint resolution to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States, March 4, 1909.

The message also announced that the House had passed the bill (S. 4024) for the relief of John H. Hamiter, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 6262) to promote the administration of justice in the navy, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ROBERTS, Mr. DAWSON, and Mr. PADGETT managers at the conference on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1536. An act authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, civil war;

H. R. 1622. An act for the relief of the estate of William J. Cussen;

H. R. 2950. An act for the relief of certain officers of the United States Signal Corps;

H. R. 3674. An act for the relief of Martha E. West;

H. R. 4168. An act to carry out the findings of the Court of Claims in the case of James A. Paulk;

H. R. 5728. An act for the relief of James H. De Coster.

H. R. 7048. An act for the relief of Henry A. Tolbert;

H. R. 7098. An act for the relief of the legal representatives of James S. Clark, deceased;

H. R. 7157. An act for the relief of W. P. Dukes, postmaster at Rowesville, S. C.;

H. R. 8448. An act to pay Velvia Tucker arrears of pension due her father, William N. Tucker;

H. R. 8661. An act for the relief of the Richmond Light Infantry Blues, of Virginia;

H. R. 8959. An act for the relief of the board of education of the Harpers Ferry School District of Jefferson County, W. Va.;

H. R. 9017. An act for the relief of Joseph Swisher;

H. R. 11632. An act for the relief of Phoebe Clark;